

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

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REGAN MILLER,												:
												:
Plaintiff,												:
												:
-vs-												: Case No. 1:21-cv-00456
												:
CITY OF MANASSAS PARK,												:
MARIO LUGO, FRANK WINSTON,												:
TREVOR REINHART, CARL DORR, and												:
LASZLO PALKO,												:
												:
Defendants.												:
												:
-	-	-	-	-	-	-	-	-	-	-	-	x

Fairfax, Virginia  
Wednesday, November 17, 2021

Deposition of

REGAN MILLER

the Plaintiff, called for examination by counsel on behalf of the City of Manassas Park, Mario Lugo, Frank Winston, Trevor Reinhart, Carl Dorr, and Laszlo Palko, Defendants, pursuant to notice, taken in the Law Offices of Bancroft, McGavin, Horvath & Judkins, P.C., 9900 Fairfax Boulevard, Suite 400, Fairfax, Virginia, beginning at 9:55 o'clock a.m., before Peter P. Bloom, a Verbatim Reporter and Notary Public in and for the State of Virginia, at large, when there were present on behalf of the respective parties:

APPEARANCES:

On Behalf of the Plaintiff:

Clyde E. Findley, Esquire  
BERENZWEIG LEONARD, LLP  
8300 Greensboro Drive  
Suite 1250  
McLean, Virginia 22102  
(703) 760-0402  
cfindley@berenzweiglaw.com

On Behalf of the Defendants:

Heather K. Bardot, Esquire  
BANCROFT MCGAVIN HORVATH & JUDKINS, PC  
9990 Fairfax Boulevard  
Suite 400  
Fairfax, Virginia 22030  
(703) 385-1000  
hbardot@bmhjlaw.com

Also present:

Mario Lugo, Defendant

Trevor Reinhart, Defendant

Frank Winston, Defendant

Carl Dorr, Defendant

Laszlo Palko, Defendant

1 A From the Annandale Campus, yes, ma'am.

2 Q And did you have any area of focus at that  
3 time?

4 A It was criminal justice, or administration of  
5 justice.

6 Q Did you continue your education thereafter?

7 A I actually transferred to George Mason  
8 University.

9 Q Here in Fairfax?

10 A Yes, ma'am.

11 Q Did you start there in '94?

12 A I did, August 1994.

13 Q And did you get a degree from GMU?

14 A I got a bachelor's of science degree.

15 Q When?

16 A It was December 1996 or January 1997.

17 Q And what was your degree in?

18 A Administration of justice.

19 Q Did you have further education thereafter?

20 A No, ma'am. Well, I had police academy  
21 instructions, but nothing from a university or a college.

22 Q When did you have police academy instruction?

23 A My first one was 1998.

1 Q And where was that?

2 A That was at the Northern Virginia Criminal  
3 Justice Academy.

4 Q How long were you there?

5 A That particular one because it was a  
6 sheriff's, more of a sheriff's academy, I think that was a  
7 shortened term, which was five months maybe.

8 Q Were you working at the time?

9 A I was. I had been hired by the Arlington  
10 County Sheriff's Office.

11 Q So was the schooling part of your work duties?

12 A It was required for the -- to be certified as  
13 a deputy sheriff in Virginia. Yes, ma'am.

14 Q And did you get so certified?

15 A I'm sorry?

16 Q Did you get so certified?

17 A I did. Yes, ma'am.

18 Q When?

19 A Either late 1998 or early 1999.

20 Q And how long did you continue to work for the  
21 Sheriff's Department in, did you say Arlington?

22 A Yes, ma'am. Arlington was until May or June  
23 of 1999, so a total of about 14 months.

1 Q Why did you leave there?

2 A I got hired by Manassas City Police.

3 Q As what position?

4 A As a police officer, a road officer.

5 Q What year was that?

6 A 1999.

7 Q How long did you stay there?

8 A Seven and a half years, I think.

9 Q And then you went where?

10 A I went to Manassas Park Police.

11 Q And what was the position you were hired to  
12 do?

13 A Police officer, patrol officer for the road.

14 Q When were you hired?

15 A 19 -- I'm sorry, 2008, I think it was June  
16 2008.

17 Q Who hired you?

18 A The City of Manassas Park. It was under Chief  
19 Evans at the time, Chief John Evans.

20 Q Did you know him before you came on there?

21 A I did not know him. I knew of him.

22 Q Did you know any of the officers at the  
23 Manassas Park Police Department before you were hired in

1 June of 2008?

2 A I knew -- I knew one well and I knew a couple  
3 just through because the jurisdiction next door, Manassas  
4 City bumped up to Manassas Park whether it be backed up on  
5 traffic stops just through interacting with them.

6 Q Who did you know well?

7 A Chief Lugo.

8 Q And how did you know him well?

9 A We used to work out together. We used to just  
10 bump into each other. I was actually a resident of  
11 Manassas Park on Denver Drive. And we had just become  
12 friends through mutual acquaintances and then ran into  
13 each other at work a couple times when he was on a vice  
14 narcotics task force. We just happened to -- we just  
15 became friends at some point.

16 Q You said you would work out together?

17 A Yes, ma'am.

18 Q Where did you do that?

19 A Gold's Gym.

20 Q Which location?

21 A It was Prince William County.

22 Q And during what time frame did you Lugo work  
23 out together?

1           A       It was just before my first daughter was born  
2       in '06, so it was, I'd say, '04 to '0 -- no, I'm sorry,  
3       hold on -- '04 to '06, it was probably a couple of years.

4           Q       And why did that stop?

5           A       When I had a daughter, I couldn't really -- it  
6       was my first daughter, I had no life. I did what I could  
7       to do to get to the gym. And I think Chief Lugo moved.  
8       He -- I think he was local, but he had moved out farther  
9       and then we just, the timing just wasn't right.

10          Q       Do you know what role, if any, Chief Lugo had  
11       in helping you obtain employment with the Manassas Park  
12       Police Department?

13          A       I can only assume, ma'am, I don't have exact  
14       knowledge.

15          Q       What would you assume?

16          A       Well, being that Chief Lugo and I were pretty  
17       good friends back then and hung out and did the gym. We  
18       had -- we did have discussions about moving to each  
19       other's jurisdiction just through small talk and I had  
20       explained to him that I was looking to move.

21                   And then when it was time to apply, I could  
22       only assume that he made a positive, I guess, not  
23       commendation, but a positive interaction with Chief Evans

1 A I went to the Detective Bureau.

2 Q How long were you there?

3 A Just over four years, four and a half years.

4 Q Who was or were your supervisors during that  
5 time?

6 A My initial supervisor would be, I think it was  
7 a captain or a major, Dean Goodwin initially and then I  
8 think he left. And then it ended up being Major Mark  
9 Matthews and then I think he retired. And then it became  
10 Chief Evans. And then -- and then I remember Major Trevor  
11 Reinhart came up I believe as a sergeant at some point.

12 Q So at some point when you were in the  
13 Detective Bureau, it's your recollection that you would  
14 have reported to Reinhart?

15 A Yes, ma'am.

16 Q Do you know what year that would have been or  
17 approximately what year that would have been?

18 A I would be -- maybe 2010, 2011. I'm not --  
19 I'm not sure.

20 Q Since that time, 2010 or 2011, up until the  
21 time you left Manassas Park Police Department in July of  
22 2020, did Reinhart remain a superior to you at all times?

23 A Yes.



1           Q       Was he a supervisor of yours from the time you  
2       were in the Detective Bureau up until the time you left in  
3       July of 2020?

4           A       Not a direct supervisor.    He was a -- he was  
5       my supervisor.   He got promoted at -- I think he got  
6       promoted as a sergeant to lieutenant and then there was  
7       some transition with some upper echelon retiring or  
8       leaving.

9                   He then became -- I think it became a captain  
10      during that time or it was he was about to go to the  
11      F.B.I. National Academy and I had just been promoted to  
12      sergeant in November, I believe, of 2012.

13          Q       Prior to 2019, did you ever have any  
14      difficulties with Reinhart, any run-ins, feel like he  
15      mistreated you prior to 2019?

16          A       Can you define "mistreat"?

17          Q       I guess that's subjective; right?   So --

18          A       It is.

19          Q       -- I don't know what you might feel would  
20      constitute mistreatment.   I'm just trying to figure out  
21      what your relationship with Reinhart was leading up to  
22      2019.

23          A       Reference Major Reinhart and I, when we were

1 in -- when we worked together in the Detective Bureau, we  
2 would sometimes butt heads, but when it came down to  
3 working an investigation together, me and him would feed  
4 off each other. We knew -- we knew what was needed, what  
5 to ask, how to ask. And this was before we had even  
6 really had a chance to meet and really understand each  
7 other.

8 I'm not saying we're both aggressive, but we  
9 both are very confident in our ability to interview or  
10 work an investigation. He had a skill set when it came to  
11 the Gang Task Force. He knew everything in and out of  
12 that. I relied on him for certain investigatory skills  
13 and he relied on me, as well, I believe.

14 There were some decisions made while he was --  
15 while he was at a chief's conference I remember and an  
16 email came in where we had gone from, not casual clothes,  
17 but we were allowed to wear -- when he first came up, we  
18 were allowed to wear sort of like a BDU-style pants and  
19 then he got some of the detectives polo shirts. And I  
20 remained initially in a suit and tie, but then I became --  
21 again, it's not a casual, but was a little more relaxed  
22 but still in a professional dress.

23 And while he was there at the chief's

1 conference, I like said, an email came in, all of the  
2 sudden it said that all detectives are to become strictly  
3 shirt and tie except for special units, and I was the only  
4 one at that at the time would have been affected by that.

5 Q Why did you tell me that?

6 A You asked about any sort of I guess feelings  
7 of mistreatment.

8 Q And somehow asking you to dress in a shirt and  
9 tie, you took offense to that?

10 A It was only associated to me. So I just, I  
11 found that after several months of us being on the same  
12 page with BDUs and polos, and then only I was affected by  
13 that decision, he continued to remain in the BDUs and  
14 polos.

15 Q When did this occur?

16 A It could have been -- it was after the first  
17 chief's conference, I'm thinking fall of 2011 maybe. I  
18 don't have the exact date.

19 Q Did you raise any issue with respect to that  
20 with Reinhart?

21 A Not with him, no. I just dealt with it.

22 Q You said, "Not with him."

23 Did you raise an issue with respect to having

1 to wear a shirt and tie with someone else?

2 A Mostly likely. I think that there was  
3 sergeant up there at the time. I'm not 100 percent sure.  
4 It was more off the just discussing it with them. I also  
5 discussed it, the fact that at the time Vice and -- which  
6 is normal, Vice wouldn't have to be shirt and tie, but it  
7 was only me that was affected by that decision.

8 Q Anything else that happened with respect to  
9 Reinhart in particular prior to 2019 which made you feel  
10 mistreated in any way?

11 A The -- off the top of my head right now, no,  
12 ma'am.

13 Q I'm going to hand you some exhibits today and  
14 I will likely not go in order. So it's not going to have  
15 any effect on you, but I'm just letting everybody know.

16 I'm going to show you one that I'm going to  
17 mark 133.

18 (The document referred to  
19 above was marked Miller  
20 Deposition Exhibit No. 133,  
21 for identification.)

22 (Ms. Bardot handed the witness, Mr. Findley,  
23 and the police officers a document.)

1 MR. FINDLEY: Any reason why we're starting at  
2 133?

3 MS. BARDOT: Because I had already -- I just  
4 told you, I'm going to go out of order likely because --

5 MR. FINDLEY: Okay. You had them --

6 MS. BARDOT: -- I've already numbered --

7 MR. FINDLEY: -- already numbered.

8 MS. BARDOT: -- a bunch of stuff. I have a  
9 system.

10 MR. FINDLEY: I got it.

11 MS. BARDOT: It might not be a system you  
12 like, but it's the system I'm going to use.

13 (Laughter.)

14 MR. FINDLEY: Okay. That's fine.

15 BY MS. BARDOT:

16 Q Do you recognize the document that I've handed  
17 to you as Exhibit 133?

18 A It is my employee evaluation from Captain  
19 Reinhart.

20 Q And this would have been the review date that  
21 covered July 1, 2015, to June 30, 2016; correct?

22 A Yes, ma'am.

23 Q And at that time then, as I understand from

1 this document, your supervisor would have been Captain  
2 Reinhart; correct?

3 A Yes.

4 Q At this time your rating was a 3.45; correct?

5 A Yes, ma'am.

6 Q And that would be at the higher end of meets  
7 expectations; correct?

8 A Yes, ma'am.

9 Q And you didn't write any employee comments on  
10 this; correct?

11 A I did not.

12 Q And did you feel like this was a fair  
13 evaluation?

14 A Yes, ma'am.

15 Q And did you feel at this time that Captain  
16 Reinhart treated you fairly?

17 A Yes, ma'am.

18 Q I'm going to show you what I'm going to mark  
19 as 134.

20 (The document referred to  
21 above was marked Miller  
22 Deposition Exhibit No. 134,  
23 for identification.)

1 (Ms. Bardot handed the witness, Mr. Findley,  
2 and the police officers a document.)

3 BY MS. BARDOT:

4 Q Tell me when you've had an opportunity to look  
5 over that?

6 (Pause.)

7 A Okay.

8 Q And do you recognize this document?

9 A I do. It's the -- it's the year after, same  
10 employee evaluation form by Captain Trevor Reinhart.

11 Q And so this would have covered the period July  
12 2016 to July 2017; correct?

13 A Yes, ma'am.

14 Q And at that time Trevor Reinhart would have  
15 been a captain and your supervisor; correct?

16 A He was a captain, yes. I don't know -- if he  
17 did the sup -- if he did the evaluation, he would have  
18 been my supervisor, I believe.

19 Q And at this point you again got a 3.45 rating,  
20 which was at the higher end of meets expectations;  
21 correct?

22 A Yes.

23 Q And the manager's comments would be those of

1 Trevor Reinhart; correct?

2 A Yes, ma'am.

3 Q And it says here, "Lieutenant Miller is a  
4 well-rounded supervisor who demonstrates a solid working  
5 knowledge of criminal/traffic code and Department  
6 Policies. He completes all additional duties and  
7 assignments thoroughly with few errors and usually before  
8 the completion deadline."

9 Did I read that right?

10 A Yes, ma'am.

11 Q And did you find that comment to be favorable?

12 A I did. It was the same comment from the year  
13 before, but, yes, it's -- he did a favorable evaluation on  
14 me. Yes, ma'am.

15 Q And you didn't write any comments or take any  
16 issue with that evaluation; correct?

17 A Correct, no issues.

18 Q And you thought Trevor Reinhart treated you  
19 fairly?

20 A Yes.

21 Q I'll show you what I'm going to mark as 135.  
22  
23



1 negative remarks?

2 A I don't have direct knowledge of that. No,  
3 ma'am.

4 Q So you can't say whether that occurred or not;  
5 correct?

6 A What occurred, that someone else was pulled  
7 in?

8 Q Yes, sir.

9 A I cannot say. No, ma'am.

10 Q And you would agree that if a supervisor at  
11 any level hears of a subordinate making negative comments  
12 about another officer of the Department, it's their job to  
13 follow up on that, would you agree with that?

14 MR. FINDLEY: Objection; form.

15 THE WITNESS: If they're talking negatively?

16 BY MS. BARDOT:

17 Q Yes, sir.

18 A Yes, they would.

19 Q Looking at 136 again, this would have been the  
20 last review you had by Trevor Reinhart before the  
21 developments which bring us together; correct?

22 A Yes, ma'am.

23 Q This is actually signed off on by you, August

1 12th, 2019; correct?

2 A Yes, ma'am.

3 Q And at this point your average rating is a  
4 3.15; correct?

5 A Yes, ma'am.

6 Q Still meets expectations; correct?

7 A Yes, ma'am.

8 Q And did you feel that this was a favorable  
9 review?

10 A I did.

11 Q And you put no employee comments; correct?

12 A I did not have time to put employee comments.  
13 No, ma'am, I did not.

14 Q What do you mean you did not have time?

15 A This was handed to me by Captain Frank Winston  
16 on August 12th. I did not talk with anybody about this.  
17 And a couple minutes later, I was provided the document  
18 which brings us here today, so my mind was focused on that  
19 versus the evaluation, which at the time was fair.

20 And I had been -- if you see on 1341, the  
21 leadership evaluation, Number 2, that was -- it was a 2,  
22 even though I still thought it was a 3. And I believe  
23 that the reason it went to a 2 was the prior oral

1 conference forms, the oral reprimands that I had received.

2 Q And on what basis do you say that? Did you  
3 speak with Trevor Reinhart to ask him why it went to a 2?

4 A I did not. No, ma'am.

5 Q So that's your speculation as to why it went  
6 to a 2; correct?

7 A Correct.

8 Q And you said you didn't have time.

9 Nobody limited your ability to make comments,  
10 did they?

11 A No, ma'am.

12 Q So when you say you didn't have time, it's  
13 because you, as you indicated, became preoccupied by the  
14 other matters that came about at the same time; correct?

15 A Yes, ma'am.

16 Q If you had had time to submit comments, were  
17 there comments you believe you would have submitted?

18 A I would have normally just went to Major  
19 Reinhart's office and had a sit down with him and  
20 discussed it more of an in person, but the focus was based  
21 on why we're here today.

22 Q And did you ever ask for a sit down with  
23 Reinhart with respect to Exhibit Number 136?

1 A No, ma'am.

2 Q Let me back up a little bit.

3 Are you married?

4 A Yes, ma'am.

5 Q When were you married?

6 A 2003.

7 Q Have you been married more than once?

8 A No, ma'am.

9 Q What's your wife's name?

10 A Nicole.

11 Q With an H or without?

12 A Without.

13 Q What's her maiden name?

14 A McClintock.

15 Q M-C-C-L-I-N-T-O-C-K?

16 A Yes, ma'am. Hold on.

17 (Laughter.)

18 A M-C-C -- yes.

19 Q And was Lugo in your wedding?

20 A He was at the wedding. He was not in it, but  
21 he was at it.

22 Q Anybody else who's a defendant here, were they  
23 at your wedding?

1 about the Nancy Climaco allegations in which I had alleged  
2 talking about her and inquiring about why Ms. Climaco had  
3 left Manassas City to be hired by Manassas Park Police.

4 Q You deny that; correct?

5 A I'm sorry?

6 Q You deny that you made those inquiries of him;  
7 is that correct?

8 A Correct. Yes, ma'am.

9 Q But you understand that Nancy Climaco reported  
10 that you made those inquiries, do you not?

11 A I do know that, yes.

12 Q And certainly if Nancy Climaco was reporting  
13 that you were snooping into her private life when you were  
14 her supervisor, it would be appropriate for Reinhart to  
15 follow up on that complaint, would it not?

16 MR. FINDLEY: Objection; form.

17 THE WITNESS: The complaint I had heard was  
18 prior to me being a supervisor. I was not her supervisor.  
19 This was I believe when she was still in training.

20 BY MS. BARDOT:

21 Q All right. So let's back up.

22 If you weren't her supervisor and you were  
23 just a coworker --

1           A       Correct.

2           Q       -- and you were inquiring and trying to find  
3       out personnel information about her from another  
4       department and she made a complaint of it to Reinhart, it  
5       would be appropriate, would it not, for him to look into  
6       that?

7           A       Yes.

8           Q       And to look into that he would have to talk to  
9       the person Climaco identified as the source, that being  
10      Dillard; correct?

11          A       No. She accused me of doing it.

12          Q       Right. She accused you of asking Dillard;  
13      correct?

14          A       No.

15          Q       Who did she accuse you of asking about her  
16      background at the City of Manassas?

17          A       I don't recall her ask -- I don't recall her  
18      telling me I had asked anybody, specifically.

19                 MS. BARDOT: You can go off the record,  
20      please. This is going to take me a minute.

21                 (Pause.)

22                 (Back on the record.)

23                 BY MS. BARDOT:

1           Q       And in one of the sets of answers to  
2       interrogatories, you actually suggest that the Badge  
3       Incident was sort of the downfall of your relationship  
4       with Lugo, is that a fair characterization of your  
5       opinion?

6                   MR. FINDLEY:  Objection; form and foundation.

7                   THE WITNESS:  I do.

8                   BY MS. BARDOT:

9           Q       And it's your contention that from the time  
10       this Badge Incident occurred in 2016 all the way through  
11       the time you left the Department that Lugo harbored some  
12       ill will or malice towards you because of this badge  
13       incident?

14          A       That was the beginning of it.  Yes, ma'am.

15          Q       And it's your belief that he never let go of  
16       that; correct?

17          A       Correct.

18          Q       And is that simply based on what you've been  
19       told, allegedly, by Reinhart and Hampton or is there  
20       something else you base that opinion upon?

21          A       There was another conversation I had with  
22       Jimmy Roberts when I had -- I think Jimmy Roberts emailed  
23       me and said Captain Lugo states that a lieutenant badge

1 the month of January 2017 in place of your regular  
2 official badges; correct?

3 A I think they were going to be worn of six  
4 months, but, yes, they were -- they were for official use.  
5 Correct.

6 Q I mean, there not the types of -- they're not  
7 decorative badges, can we agree on that? Like a football  
8 player would wear a patch on his sleeve, they're not  
9 decorative.

10 A You mean like fake?

11 Q Like just a decoration, like a patch that a  
12 soccer player would get.

13 They're official badges; right?

14 A They're official badges. Yes, ma'am.

15 Q I mean, you wouldn't want the badges in the  
16 hands of somebody not authorized to wear them; correct?

17 A Well, I mean, people collect them, so I don't  
18 know if you're -- I mean, I wouldn't want -- I wouldn't  
19 want a criminal to have them, no. Correct.

20 Q You go on to say here that you ordered the  
21 badges after you were approved; correct?

22 A Yes.

23 Q I'm going to show you 87.



1 (The document referred to  
2 above was marked Miller  
3 Deposition Exhibit No. 87,  
4 for identification.)

5 (Ms. Bardot handed the witness, Mr. Findley,  
6 and the police officers a document.)

7 BY MS. BARDOT:

8 Q Do you recognize what I've handed you as  
9 Exhibit 87?

10 A Yes, ma'am.

11 Q What is this?

12 A This is the order form invoice for the 50  
13 badges that Chief Evans approved in order to get the price  
14 down. And then I told -- I had written specifics on what  
15 rank for these particular badges and then for my notes, I  
16 put down next to the rank and position, the officers'  
17 names to verify that we had enough and that everyone was  
18 going to get one.

19 Q And this order form or invoice, that's the  
20 front page of Exhibit Number 87, does not include the  
21 badges which you ordered for yourself; is that accurate?

22 A Correct. This is for the -- this is for the  
23 50 Department badges. There was a separate six-badge

1 invoice with my credit card.

2 Q Was there actually an invoice related to that?

3 A Yes, ma'am.

4 Q It goes on to say at Paragraph 20 of your  
5 complaint that, "To memorialize his achievement, Officer  
6 Miller ordered an extra set of badges to display in his  
7 home," do you see that?

8 A Yes, ma'am.

9 Q Did you, prior to ordering that extra set of  
10 badges, request permission from Chief Evans to order  
11 those?

12 A I did not.

13 Q Did you have an understanding that you had  
14 some authority to order official badges without getting  
15 preapproval from the Chief?

16 A Yes, ma'am.

17 Q And on what basis did you think you had the  
18 authority without getting approval from the Chief to order  
19 official police badges?

20 A Well, I wasn't -- I wasn't using those badges  
21 for official use, it was just for display and being that I  
22 had dealt with Mr. Collinson on prior occasions and we had  
23 a work relationship, I had asked him.

1           Q       Right. But is there some general order, rule,  
2 policy, regulation, anything you can rely upon to support  
3 your belief that you had authority to hire -- to buy  
4 official police badges without getting preapproval from  
5 the Chief?

6           A       There -- I don't think there was a general  
7 order saying I couldn't and being that Mr. Collinson owned  
8 the outright federal copyright of the design, he is  
9 allowed to sell them to anybody, to include me.

10          Q       And how did you know that he held the official  
11 copyright on the design?

12          A       He told me.

13          Q       Other than him telling you, you don't have any  
14 information to indicate that's accurate, do you?

15          A       Yeah. There is a -- it's not attached to  
16 this, but there's the design I showed Chief Evans, or I  
17 think it was two designs, and the design we came to  
18 approval with, on the bottom of that page, it says,  
19 "Copyright owner."

20          Q       The badges you ordered had on them the  
21 notation, "Chief, Captain, Sergeant, Detective, Patrol  
22 Officer, and Lieutenant"; is that correct?

23          A       It's the six ranks at the time. Yes, ma'am.

1           Q       And so you would then have been in possession  
2 of official badges for positions you did not hold; is that  
3 correct?

4           A       For Manassas Park? Correct.

5           Q       Yes. Okay.

6                   Then it goes in your complaint to say, at  
7 Paragraph 22, "One month before the inauguration, on  
8 December 16, 2016, and while on vacation leave in Florida,  
9 Officer Miller received a phone call from Defendant Lugo,  
10 who at the time was serving as Captain and was Officer  
11 Miller's superior, Defendant Lugo demanded that Officer  
12 Miller turn over the inauguration badges he had purchased  
13 for himself," do you see that?

14          A       Yes, ma'am.

15          Q       And did that in fact occur?

16          A       He did call me. Yes, ma'am.

17          Q       And do you know how it was that Lugo learned  
18 that you had purchased the badges?

19          A       If I recall, he had to order -- there may have  
20 been a promotion or a move and I think he had to order  
21 some more. So he or Captain Boorman reached out to  
22 Collinson Enterprises to order more and that's either when  
23 Mr. Collinson or the secretary may have said, "There's six

1 more, why don't you use one of those?" Again, I was not  
2 part of that conversation, but I think that's what is, to  
3 my knowledge.

4 And then he realized that those six were not  
5 part of these 50 or in any sort of property, that's when  
6 he reached out to me.

7 Q And how did you hear about this conversation  
8 you believed occurred?

9 A It was either when I had a conversation with  
10 Chief Evans or a conversation I had with Mr. Collinson. I  
11 don't know.

12 Q Do you know who instructed Lugo to call you  
13 and request that you return the inauguration badges?

14 A I don't know. I didn't ask him.

15 Q Do you know whether it was Chief Evans himself  
16 who instructed Lugo to contact you and demand that you  
17 return the badges?

18 MR. FINDLEY: Objection; form.

19 THE WITNESS: I do not know.

20 BY MS. BARDOT:

21 Q You go on to say in Paragraph 22, the last  
22 sentence, "Defendant Lugo offered no response to Officer  
23 Miller's queries," which were what policy or law your

1 actions had violated, and then you say, "and in subsequent  
2 text messages falsely stated that Officer Miller was not  
3 authorized to own the badges," do you see that?

4 A Yes, ma'am.

5 Q I'll show you Exhibit Number 88.

6 (The document referred to  
7 above was marked Miller  
8 Deposition Exhibit No. 88,  
9 for identification.)

10 (Ms. Bardot handed the witness, Mr. Findley,  
11 and the police officers a document.)

12 BY MS. BARDOT:

13 Q Are these the text messages to which you  
14 refer?

15 A Yes, ma'am.

16 Q Can you tell me where in this set of text  
17 messages you indicate that Lugo told you you were not  
18 authorized to own the badges?

19 A There's nothing in text.

20 Q But your lawsuit says in text messages, he  
21 falsely state you were not authorized to own the badges.

22 Are there some other text messages to which  
23 you're referring that you have not produced?

1 A No, ma'am. I didn't produce this. No, ma'am.

2 Q I know you didn't produce this.

3 You didn't produce any text messages, but this  
4 is the series of text messages you were referring to;  
5 correct?

6 A Yes, ma'am.

7 Q And are the badges on the final page, which  
8 has a "5" at the bottom, the badges we're talking about?

9 A The ones in the shadow box. Yes, ma'am.

10 Q And is that the shadow box that you had put  
11 the badges into?

12 A Yes, ma'am.

13 Q And it is true that as of December 16, 2016,  
14 no one had authorized you to purchase these badges;  
15 correct?

16 A I'm not sure there was a required  
17 authorization, but there was no specific authorization,  
18 correct. Yes, ma'am.

19 Q And in fact, you hadn't even told anybody at  
20 the Police Department that you had purchased the badges,  
21 had you?

22 A I had not.

23 Q I'm going to turn you to Page 6 of your

1 going to be a good conversation, so I said, "Okay. Let me  
2 just -- let me take care of some family issues and then  
3 we'll discuss it." And that was -- I didn't realize it  
4 was going to escalate to where it did.

5 Q I'll show Exhibit Number 90.

6 (The document referred to  
7 above was marked Miller  
8 Deposition Exhibit No. 90,  
9 for identification.)

10 (Ms. Bardot handed the witness, Mr. Findley,  
11 and the police officers a document.)

12 BY MS. BARDOT:

13 Q Do you recognize this document?

14 A I do. That looks like the memo I wrote after  
15 having a discussion with Chief Evans about the badges.

16 Q So this is a memo to Chief Evans from you  
17 dated April 8, 2017, with respect to the inaugural badges;  
18 correct?

19 A Yes, ma'am.

20 Q And this was basically a request to him to  
21 allow you to buy the badges, correct, and sort of  
22 explaining what you were going to be doing with them?

23 A From Chief Evans?



1 Q Yes.

2 A Yeah. After our conversation, he said, "Just  
3 put it in writing."

4 Q And that's because you didn't have permission  
5 from him beforehand; correct?

6 MR. FINDLEY: Objection; foundation, form.

7 THE WITNESS: I didn't -- I did not have -- I  
8 didn't request permission.

9 BY MS. BARDOT:

10 Q You what?

11 A I didn't request permission.

12 Q Right. Nor did you advise Chief Evans that  
13 you intended to buy these for yourself before Lugo asked  
14 you to return them; correct?

15 A Correct.

16 Q Did Chief Evans respond to this memo in any  
17 way by sending you an email or a text or anything else  
18 indicating he approved of you going forward and buying the  
19 badges referenced in the memo?

20 A I want to say he verbally told me end of April  
21 or early May 2017, like I want to say April for some  
22 reason because I had asked him, I think I said I had  
23 emailed him and said, "Hey, listen, I talked to Captain

1           Q       February 23, 2007, the City of Manassas issued  
2           you a due process notice of intent to discipline for  
3           unreasonable search and seizure, improper stop, illegal  
4           strip search, improper evidence documentation, do you  
5           recall this?

6           A       Yes, ma'am.

7           Q       And it was recommended on the fifth page that  
8           you be terminated; correct?

9           A       Yes, ma'am.

10          Q       And on the fourth page, one of the things that  
11          the Chief of Police took into account was your prior  
12          disciplinary history; correct?

13          A       Yes, ma'am.

14          Q       And what would have included the incidents  
15          from 2003; correct?

16          A       Yes, ma'am.

17          Q       Let me show you 81.

18                               (The document referred to  
19                               above was marked Miller  
20                               Deposition Exhibit No. 81,  
21                               for identification.)

22                               (Ms. Bardot handed the witness, Mr. Findley,  
23                               and the police officers a document.)

1 BY MS. BARDOT:

2 Q This is a document dated March 22, 2007, Final  
3 Due Process Notice of Intent to Discipline from John J.  
4 Skinner, Chief of Police, City of Manassas, to you.

5 Does that bear your signature on the last  
6 page?

7 A Yes, ma'am.

8 Q And, again, the recommendation on the last  
9 page was for termination from the City of Manassas Police  
10 Department; correct?

11 A Yes, ma'am.

12 Q I'll show you this last document, 82.

13 (The document referred to  
14 above was marked Miller  
15 Deposition Exhibit No. 82,  
16 for identification.)

17 (Ms. Bardot handed the witness, Mr. Findley,  
18 and the police officers a document.)

19 BY MS. BARDOT:

20 Q Have you seen this document before?

21 A I don't recall it.

22 Q This reflects: "To whom it may concern:  
23 Regan Miller terminated employment with the City of

1 Manassas effective March 30, 2007," do you see that?

2 A I do. Yes, ma'am.

3 Q And do you recall that being accurate  
4 approximate time that you were terminated from that  
5 employment?

6 A No. I thought it was April. I thought I had  
7 gotten something in the mail.

8 Q Did you grieve this termination?

9 A Yes, ma'am, I did.

10 Q Did you go through the panel hearing?

11 A I went through the panel hearing. Yes, ma'am.

12 Q And did the panel hearing uphold the  
13 recommendation for termination?

14 A They did. There may have been some changes,  
15 but I think they -- they ultimately did.

16 Q And did you file any sort of lawsuit against  
17 the City following that termination?

18 A Following the termination, it was a lawsuit,  
19 yes.

20 Q Where did you file that lawsuit?

21 A Through the state courts in Prince William  
22 County.

23 Q And what happened with that suit?

1 July 2020 have spoken with the City of Manassas Police  
2 Department or HR to seek any information with respect to  
3 you?

4 A I don't know.

5 Q Would it be fair to say that you don't know  
6 what, if any, impact the discipline or your termination  
7 from the City of Manassas has had on your ability to find  
8 work as a police officer since July 20, 2020?

9 A Wait. Can you ask that again?

10 Q Sure. Would it be fair to say that you don't  
11 have any knowledge what impact the discipline and  
12 termination from the City of Manassas has had on your  
13 ability to find work since July 2020?

14 A I would have no knowledge.

15 Q You have indicated that since leaving the City  
16 of Manassas Park that you have sought employment with five  
17 police departments; correct?

18 A Five separate departments. Yes, ma'am.

19 Q And one of those was the Fairfax City Police;  
20 correct?

21 A Yes, ma'am.

22 Q And from your answers to Carl Dorr's  
23 Interrogatory 22, you indicated that you applied on August

1 7, 2020, and were denied August 31, 2020; is that  
2 accurate?

3 A Yes. It was August 2020. If those dates --  
4 those dates have to be on the paperwork, correct.

5 Q I'm going to hand you a document, just for  
6 your reference. I'm not going to make this an exhibit  
7 because I don't think it's fair to ask you to remember  
8 dates off the top of your head, necessarily.

9 (Ms. Bardot handed the witness a document.)

10 Q So I'm just handing you "Regan Miller's  
11 Objections and Responses to Defendant Carl Dorr's First  
12 Set of Interrogatories." I'm going to ask you to the  
13 extent you need to, to refer to 28, which about the  
14 employment you've sought since you left --

15 A Paragraph 28?

16 Q -- Manassas Park.

17 Yes, right there (indicating). Okay.

18 You don't have any facts to suggest that the  
19 Fairfax City Police spoke with anyone at Manassas Park  
20 Police Department or Manassas Park and received any  
21 information which led them not to hire you, do you?

22 A I do not.

23 Q You don't have any information to suggest that

1 the Fairfax City Police reviewed any file, which related  
2 to you that the Manassas Park Police Department or HR has,  
3 do you?

4 A No, ma'am, I do not.

5 Q I'll show you Exhibit Number 83.

6 (The document referred to  
7 above was marked Miller  
8 Deposition Exhibit No. 83,  
9 for identification.)

10 (Ms. Bardot handed the witness, Mr. Findley,  
11 and the police officers a document.)

12 BY MS. BARDOT:

13 Q This is a letter to you dated August 31, 2020,  
14 from Captain Jeffrey Hunt, Criminal Investigation  
15 Division, City of Fairfax Police Department.

16 You recognize this document; correct?

17 A Yes, ma'am.

18 Q And this would be the letter that you received  
19 from the City of Fairfax declining to provide you with  
20 employment; correct?

21 A Correct.

22 Q And it says in the second paragraph, "After  
23 reviewing your application and all other information

1 developed during the pre-employment process, you have been  
2 classified as 'Qualified.' Unfortunately, due to the  
3 number of more competitive candidates who were placed in  
4 the highly qualified category, you will not be considered  
5 for selection as a Police Officer at this time," do you  
6 see that?

7 A Yes, ma'am.

8 Q You don't have any facts available to you to  
9 contradict that that was the reason they did not hire you,  
10 do you?

11 A No, ma'am.

12 Q And the next paragraph says, "Your interest in  
13 employment with the City of Fairfax Police Department is  
14 appreciated. You are eligible to reapply for the position  
15 of Police Officer one year from the date of this letter,"  
16 do you see that?

17 A Yes, ma'am.

18 Q And one year from the date of this letter  
19 would have been August 31, 2021; correct?

20 A Correct. Yes, ma'am.

21 Q Have you reapplied?

22 A I have not, ma'am.

23 Q Why not?



1 with the family. I can't control it.

2 But knowing how important it is, it would not  
3 be fair to any new employer if I were to get hired to say,  
4 "Hey, listen, I know I'm new, I don't know what's going to  
5 happen with this. I don't know if there's going to be a  
6 trial or if there's going to be anything down the road. I  
7 don't have those time lines." So it would not be fair to  
8 them or my family to set there and go, "Hey, thanks new  
9 job. Can I take off X, Y, Z amount of hours that I  
10 haven't earned yet, respectfully?"

11 Q So on September 16, 2020, you applied with  
12 George Mason University; is that correct?

13 A I did.

14 Q And that's still pending.

15 A I never heard back from them. I actually had  
16 to -- when I applied, it was an online forum and I think I  
17 reached out to one of the majors up there. And I said,  
18 "Hey, I did this," and I think hand-delivered my -- like a  
19 background, like FYI, here's what I got.

20 Q But as it pertains to the September 16, 2020,  
21 application, nobody told you you were denied, did they?

22 A Not on that particular one, no.

23 Q And then on October 23rd, 2020, you applied to

1 the Herndon Police Department; is that correct?

2 A Yes, ma'am.

3 Q And at some point you found out that that  
4 position had been closed without you hearing back on your  
5 application; is that correct?

6 A Yes.

7 Q And so you reapplied December 8, 2020?

8 A I did.

9 Q And when you reapplied on December 8, 2020,  
10 you indicate in your answers to Interrogatory 22, to  
11 Dorr's Interrogatory that you provided Corporal Frazier,  
12 F-R-A-S-I-E-R, a quote, "Cliff Note version of a possible  
13 lawsuit and he said that would usually cause a problem,"  
14 end quote.

15 Did you do that?

16 A I gave him a Cliff Note version of what I had  
17 just gone through and I was looking at potential lawsuit  
18 and didn't know if that would affect any sort of potential  
19 application with them.

20 Q Well, in your answer to interrogatory, you say  
21 you actually gave him a Cliff Note version of a possible  
22 lawsuit; correct? That's what it says.

23 A Correct.

1 Q Why would you do that?

2 A I wanted to make sure that if my criminal  
3 charge that was still yet to be expunged and everything  
4 that had just gone on, if I'm still looking at any  
5 potential lawsuit, I wanted to make sure that this would  
6 not be a problem with Herndon.

7 Q Why didn't you just tell him about what  
8 happened like you did on some of your other applications  
9 where you said, "I had these charges. I was exonerated,"  
10 I mean, why would you give him a Cliff Note version of  
11 your lawsuit?

12 A Well, it wasn't a -- since the lawsuit hadn't  
13 been filed, it was no really Cliff Note version, it was  
14 more of like if I potentially go down the road, is this  
15 going to cause any sort of issue if I were to be afforded  
16 the job.

17 Q Well, am I reading that wrong? Those are your  
18 answer to interrogatories. Doesn't it say, "I gave him a  
19 Cliff Note version of a possible lawsuit"?

20 A Right. Possible lawsuit, correct.

21 Q Did you think any employer would want to hire  
22 you if you're giving them a Cliff Note version of a  
23 lawsuit against a different employer?

1 A I don't know what they would do, ma'am.

2 Q And that application is still pending, as  
3 well?

4 A I haven't heard anything from them.

5 Q Well, they didn't decline you, did they?

6 A Correct, but they're applying online. Yeah.

7 Q With respect to both George Mason University  
8 and Herndon, do you have any facts to suggest that they  
9 spoke with anyone at the Manassas Park Police Department  
10 or Manassas Park and received any adverse information  
11 about you which led to their decision not to hire you?

12 A I do not, ma'am.

13 Q Do you have any information to suggest that  
14 anybody from George Mason University or Herndon reviewed  
15 any file pertaining to you that is in the possession of  
16 Manassas Park Police Department or HR?

17 A No, I do not, ma'am.

18 Q Then on November 13, 2020, you applied with  
19 Prince William County; is that correct?

20 A Correct.

21 Q And they provided you a denial on December  
22 15th, 2020; correct?

23 A Yes.

1           Q       Do you have any facts to suggest that anybody  
2       at Prince William County spoke with anyone at Manassas  
3       Park Police Department or Manassas Park and received any  
4       adverse information about you which let them not to hire  
5       you?

6           A       I do not.

7           Q       Do you have any information to suggest that  
8       anybody at Prince William County looked at any file  
9       pertaining to you that is in the possession of Manassas  
10      Park Police Department or HR?

11          A       I do not, ma'am.

12          Q       I'm going to show you Exhibit 84.

13                               (The document referred to  
14                               above was marked Miller  
15                               Deposition Exhibit No. 84,  
16                               for identification.)

17                               (Ms. Bardot handed the witness, Mr. Findley,  
18       and the police officers a document.)

19                               BY MS. BARDOT:

20          Q       Is this an email that you received from Prince  
21       William County Police Department where your application  
22       was denied?

23          A       Yes, ma'am.

1           Q       And it says here in the second paragraph, "The  
2 hiring and selection of new police officers is a highly  
3 competitive process and we receive hundreds of application  
4 for a limited number of positions," do you see that?

5           A       I do.

6           Q       And then it goes on to say, "Unfortunately,  
7 based on a review of applications received, yours was not  
8 one selected for processing at this time," do you see  
9 that?

10          A       I do.

11          Q       Do you have any reason to doubt the veracity  
12 of what is stated there?

13          A       Whatever they put there, I don't understand  
14 why they did that.

15          Q       What do you mean you don't understand why they  
16 did that?

17          A       That's their decision. I can't answer for why  
18 they made that decision, ma'am.

19          Q       Do you have any information to suggest that  
20 it's not true that they receive hundreds of applications  
21 for a limited number of positions?

22          A       Well, because I know they're down 150  
23 positions and they're still -- they're still asking for

1 officers to apply there.

2 Q Well, did you reach back out to them and  
3 question them about this email?

4 A I did not, ma'am.

5 Q It says, "We encourage you to reapply in one  
6 year," which would be December of this year; correct?

7 A Correct.

8 Q Is it your intent to do that?

9 A At this point, I don't know, ma'am.

10 Q And why don't you know?

11 A I'm still focused on this. This lawsuit, I'm  
12 sorry. I just don't know. I may or may not, I just don't  
13 know.

14 Q You don't have any facts to suggest that  
15 Prince William County spoke with anybody at Manassas Park  
16 Police Department or at Manassas Park and received any  
17 adverse information about you which led them not to hire  
18 you, do you?

19 A I do not.

20 Q And do you have any information to suggest  
21 that anybody at Prince William County Police Department  
22 reviewed any file that's maintained regarding you by  
23 Manassas Park Police Department or Manassas Park HR?

1 A I do not. No, ma'am.

2 Q And then in your answer to interrogatory, it  
3 appears that you also applied to Fairfax County January  
4 13, 2021, and got a denial April 27, 2021; is that  
5 accurate?

6 A Yes, ma'am.

7 Q Were you called in by Fairfax County to take a  
8 polygraph?

9 A I was. Yes, ma'am.

10 Q And did you in fact go in and take it?

11 A I did.

12 Q And do you know whether you passed or what the  
13 results were?

14 A I do not know.

15 Q Do you have any information as to why Fairfax  
16 County denied your application for employment?

17 A I do not have -- I think it said the same  
18 thing, maybe, "Unfortunately, there was more competitive  
19 candidates," I don't know. I got an email. I don't know.

20 Q Do you have any information to suggest that  
21 anybody at Fairfax County spoke with anyone at the  
22 Manassas Park Police Department or Manassas Park HR and  
23 received information which led them not to hire you?



1 A No, ma'am.

2 Q Do you have any information to suggest that  
3 anybody at Fairfax County reviewed any file that the  
4 Police Department in Manassas Park or the HR Department  
5 has pertaining to you?

6 A No, ma'am.

7 Q You reapplied at GMU January 20, 2021; is that  
8 correct?

9 A Yes, ma'am.

10 Q And then it says you took a paper application  
11 in again February 26, 2021, is that correct?

12 A I did. I was supposed to actually meet with  
13 the Major. She got tied up on something, so I just hand-  
14 delivered it.

15 Q That's still pending?

16 A There was a -- there was like a Zoom meeting  
17 with, I don't know, 10 or 12 applicants for both dispatch  
18 and officer. They had certain -- I think it was more like  
19 an answer -- question/answer session. And I may have  
20 reached out to her to say, "What's the process?" but I  
21 have yet to receive anything further.

22 Q Have you withdrawn that application?

23 A I have not withdrawn the application.

1           A       I'm not 100 percent sure.

2           Q       So would it be sure that you're not 100  
3 percent sure if you were the on-duty supervisor on the  
4 date of the accident?

5           A       Correct.

6           Q       And regardless of whether you were the on-duty  
7 supervisor or not, if Winston had been in a significant  
8 car accident and reached out to the Chief rather than the  
9 on-duty supervisor, do you believe that violates some  
10 policy?

11          A       No. I mean, it's his right to do so. I'm not  
12 sure about a certain policy, but if we're -- if we're  
13 going based on the chain of command with policy as we are  
14 for everything else, I mean, that alone would also be  
15 another policy to follow.

16                   And I do -- I've had car accidents on duty and  
17 been pulled into Major Reinhart's office for car  
18 accidents, making sure that everything was sort of  
19 followed within guidelines and policy.

20          Q       And do you have any knowledge who Winston  
21 reported the accident to?

22          A       I think during your -- one of your oppositions  
23 maybe, he called Lugo. I'm not 100 percent sure.

1 Q Right. And you don't know whether it in fact  
2 happened or not. You weren't privy to that --

3 A Correct.

4 Q -- correct?

5 A Yes, ma'am.

6 Q And because this was none of your business  
7 whether it was handled internally correctly or not, you  
8 wouldn't have that information either, would you?

9 MR. FINDLEY: Objection; form.

10 THE WITNESS: I would not have any information  
11 on who he called, correct. Yeah.

12 BY MS. BARDOT:

13 Q And you wouldn't have any information on what  
14 instructions he was given or by whom after the accident,  
15 would you?

16 A Correct.

17 Q And you wouldn't have any information on  
18 whether he was sent for drug testing or anything along  
19 those lines either, would you?

20 A I would not, no. Correct.

21 Q And you do know that he was on his way home  
22 from a shift at the station when this accident happened,  
23 that's your understanding, as you've pled; correct?

1 with a tarp placed over it.

2 Was that significant? Is there some reason  
3 you've included that here?

4 A That's what I was told.

5 Q You're not trying to suggest that that was  
6 some effort by somebody to hide the car, are you?

7 A That would be for Finish Line Towing. I  
8 couldn't tell you, ma'am.

9 Q And you don't know who made the decision, if  
10 this in fact true, to place it in a locked garage with a  
11 tarp over it, do you?

12 A Correct.

13 Q It says in Paragraph 36, "Promptly after  
14 learning about the automobile accident, Officer Miller  
15 made an inquiry to FLEET about Defendant Winston's  
16 unreported accident," do you see that?

17 A Yes, ma'am.

18 Q And when you refer to "FLEET" there, are you  
19 talking about Quesenberry?

20 A Yeah, Officer William Quesenberry. Yes. We  
21 called him "FLEET."

22 Q And you called it an "unreported accident,"  
23 but you have no information as to whether Winston had

1 reported the accident or not, do you?

2 A Correct.

3 Q It goes on to say, "FLEET attempted to find  
4 the destroyed squad car but were unable to locate it," do  
5 you see that?

6 A Yes.

7 Q And who told you that?

8 A Officer William Quesenberry told me that.

9 Q And in fact, you went over to the yard to try  
10 to find the car, did you not?

11 A No, ma'am.

12 Q You pled so in your interrogatory answers that  
13 you never went there.

14 A Correct.

15 Q That's not true, is it?

16 A That's absolutely true.

17 Q Do you know that somebody at Fleet called  
18 Chief Lugo and told him that you were over there at the  
19 yard looking for the vehicle and that's how he became  
20 aware of your involvement in this?

21 A I was never, ma'am. That --

22 Q That's no --

23 A -- would be William Quesenberry. I have no

1 accident and it was my information to him when he learned  
2 about it.

3 Q It goes on in Paragraph 37, "After making the  
4 inquiry, Lugo called Officer Miller and demanded to know  
5 he had learned about Winston's accident and who else knew  
6 about it," and then it says, "Upon information and belief,  
7 Lugo helped Winston cover up the accident and was  
8 concerned about his own exposure."

9 What's the factual basis for you believing  
10 Lugo was helping Winston cover up the accident?

11 A Well, like I said earlier that with a small  
12 city, everyone talks when anytime something minor happened  
13 or big, stuff would spread like wildfire, and there was no  
14 information whatsoever about Frank's car accident and then  
15 -- with Chief Lugo's call to me along with Captain  
16 Winston's disclosure to me at the Christmas party and then  
17 pulling up the -- and his statement to me saying that  
18 "Lugo told me to keep quiet about it," and it was actually  
19 Captain Winston who told me he didn't feel comfortable  
20 with it because obviously word was out, that's what I'm  
21 basing that information, ma'am.

22 Q Are you saying in this lawsuit that Winston  
23 was trying to cover up the accident?

1           A       No. I'm telling you that Captain Winston told  
2 me that Mario Lugo told him to be quiet about the  
3 accident.

4           Q       Did he tell him, "We need to cover this up"?

5           A       Those are not words that came out of his  
6 mouth, correct.

7           Q       Did he tell you why Lugo said if he did that  
8 he shouldn't be talking about the accident?

9           A       I don't recall that part of the conversation.  
10 No, ma'am.

11          Q       So this part of your complaint that says,  
12 "Defendant Lugo helped Defendant Winston cover up the  
13 accident," that's a conclusion you drew based on  
14 information you got from Winston.

15          A       From the entire situation. Yes, ma'am.

16          Q       As you've described to me.

17          A       Yes, ma'am.

18          Q       And it says, "Lugo was concerned about his own  
19 exposure," what do you mean?

20          A       Well, if he's -- if he's in fact protecting  
21 Captain Winston on a car accident that he had no -- he  
22 wasn't at fault at, it just seems -- it just seems very  
23 weird that such -- for him to be quiet about it and not

1 say, you know, and tell him, "Hey, don't be discussing it.  
2 Don't disclose anything," it just felt very protective, if  
3 that makes sense.

4 Q Was he protecting Winston for some reason, do  
5 you have any knowledge?

6 A For this, I don't know, ma'am. I don't know.

7 Q And I think I read somewhere in your answers  
8 to interrogatories that you have since learned that the  
9 accident did not happen as Winston has indicated.

10 Did I read that somewhere?

11 A Yes, ma'am.

12 Q When do you think you learned something  
13 different than what Winston reported?

14 A It was after this -- it was after the lawsuit  
15 was filed. I don't have the date, but I thought someone  
16 told me that there was a rumor going around the Police  
17 Department that he was not going home or it was on the --  
18 it was on the other side of the highway, but again, I  
19 wasn't -- it wasn't a concern of mine, it was just  
20 volunteered to me after they read it.

21 Q By whom?

22 A Officer Matt Rector.

23 Q And how would he have any factual information



1 about the accident, do you know?

2 A I do not know, ma'am.

3 Q And let's assume for the sake of argument that  
4 Winston wasn't going home or he was on the other side of  
5 the highway, do you have any factual information to  
6 suggest regardless of where he was that the accident  
7 didn't happen in the manner that he described it?

8 A Oh, I don't know, ma'am.

9 Q When you learned about the accident, you were  
10 mad that you weren't in the loop about it, weren't you?

11 A No, ma'am.

12 Q I mean, as the on-duty supervisor, you wanted  
13 to be in the loop, did you not?

14 A Well, if I'm on-duty, I'm required to be sort  
15 of --

16 Q But you wanted to be; right?

17 A What's that?

18 Q I mean, you wanted to be, you like to be in  
19 the middle of these things; is that fair?

20 A In the middle of what things?

21 Q Knowing what's going on and being involved.

22 A To have full knowledge of what's going on for  
23 your squad, absolutely. Yes, ma'am.

1           Q       And when you learned of the accident, again,  
2 nobody assigned you to investigate it; correct?

3           A       Correct.

4           Q       There was IA opened; correct?

5           A       That I don't know.

6           Q       You didn't ask for one to be opened or suggest  
7 that one should be opened, did you?

8           A       I did not. No, ma'am.

9           Q       And you weren't tasked with doing anything  
10 related to the accident at all; correct?

11          A       Correct.

12          Q       But you investigated it; right?

13          A       I didn't investigate it. No, ma'am.

14          Q       Well, let's see, you talked to Quesenberry to  
15 find out about it; correct?

16          A       Right.

17          Q       For no reason other than curiosity; correct?

18          A       Correct. Well, he was in charge of Fleet, so  
19 it was I just happened to ask him, "Hey, what's up with  
20 Frank's car?" and he had no clue. That's what he told me.

21          Q       All right. I'm going to show you a document,  
22 Exhibit 92.

23

1 (The document referred to  
2 above was marked Miller  
3 Deposition Exhibit No. 92,  
4 for identification.)

5 (Ms. Bardot handed the witness, Mr. Findley,  
6 and the police officers a document.)

7 MR. FINDLEY: This is 92?

8 MS. BARDOT: Yes, sir.

9 BY MS. BARDOT:

10 Q This is a series of emails from your cell  
11 phone, not produced by you, but in my possession.

12 Do you recognize this series of text messages?

13 A Is this to Quesenberry?

14 Q I'll ask you to tell me who it's to. Take a  
15 moment and read through the whole sequence.

16 A Okay.

17 (Pause.)

18 A Okay.

19 Q Do you recognize this series of text messages?

20 A I recognize portions of it. This appears to  
21 be -- this is probably between myself and Officer  
22 Quesenberry.

23 Q And this has to do with looking for, at least

1 in part, Winston's car; correct?

2 A Yes, ma'am.

3 Q And your text message is on the right in the  
4 gray; correct?

5 A No, ma'am. I'm on the left side.

6 Q Okay. So let's work through this.

7 So at the top of this, it says, "Certainly  
8 hope I still get car. Hmmmmmm," do you see that?

9 A I do.

10 Q What are you referring to?

11 A This might be -- if this is December 2017 -  
12 there's no date on here - this could be the new car that  
13 had come in, the new SUV.

14 Q And it says, "I haven't heard any crickets."  
15 And then you say, "Crickets x 100000. Actually crickets x  
16 34."

17 What does that mean?

18 A I have no clue.

19 Q Apparently --

20 A Oh, hold on. If -- that may have been Frank  
21 Winston's badge back then.

22 Q And then it goes on to say, "Damn LaClair."

23 Who's LaClair?

1           A       Matt LaClair was an officer at Manassas Park  
2 Police.

3           Q       Do you know why Quesenberry would be saying  
4 that to you there in the text of this conversation?

5           A       I don't.

6           Q       And then you say, "It's being hush hush. And  
7 CS" -- is that Command Staff?

8           A       Yes, ma'am.

9           Q       -- "is being super quiet about cars for a very  
10 specific reason. Don't ask them yet. I'll tell ya soon,"  
11 do you see that?

12          A       I do.

13          Q       Do you remember what you were referring to  
14 there?

15          A       Probably the car accident. Frank Winston's  
16 car.

17          Q       And then you go on to say, "U pass by FLT on  
18 way home? Asking for 'friend,'" do you see that?

19          A       Correct.

20          Q       Friend is in quotes?

21          A       Yes.

22          Q       And does that mean you wanted him to go by for  
23 yourself?

1 A "Friend" would be for me.

2 Q That's what I assumed.

3 And then it says, "New shop?" And you say,  
4 "Yes. In city." And then this person says, "I can. What  
5 u needin"; right?

6 A Correct.

7 Q And then it says, "Not for me. Figured u may  
8 want to stop by and look under tarp. Shhhhhhhhh"; right?

9 A Correct.

10 Q And then he says, "Ok. Am I gonna be..." And  
11 you say, "Shhhhhhhhh." And then it says, "Kopy."

12 So are you asking Quesenberry to go over there  
13 to the yard and snoop around for Frank's car?

14 A No. From what I understand our conversation  
15 in the building was he was, "I'll go and look" and then  
16 the text messages correlated to that.

17 Q Well, if he told you that when he was in the  
18 building, why would you write to him, "U pass by FLT on  
19 the way home? Asking for 'friend'"? If he already told  
20 you he was going to go that doesn't make much sense to me.

21 A Well, to make sure I guess it's on the way  
22 home. I don't know.

23 Q But what you're asking him to do is to search

1 for Frank's car; correct?

2 A Yes.

3 Q Why?

4 A Just to see if it's there, verify the  
5 information I had received.

6 Q But why? What business of yours was it at  
7 this time?

8 A It's still -- at that time I had no  
9 information about the car accident. It was to verify some  
10 information.

11 Q But for what purpose? There was no IA; right?

12 A I didn't know about any IA.

13 Q You weren't tasked with doing an IA; correct?

14 A Correct.

15 Q Or any other investigation; right?

16 A Correct.

17 Q Are you doing this while you're on-duty?

18 A I was on-duty. Yes, ma'am. I was working  
19 that weekend, yes.

20 Q So instead of doing your duty tasks, you're  
21 busy nosing around into the Winston car accident. Why?

22 A Well, I was still his supervisor and I still  
23 had a car accident unexplained.

1 Q That was not your issue because it wasn't  
2 assigned to you; correct?

3 A Right. At the time, correct. Yes, ma'am.

4 Q It never got assigned to you, did it?

5 A No, ma'am, it did not.

6 Q And then on the next page, it says, "Send me  
7 pic wen dun. So I can compare. This is to squash rumors.  
8 Etc."

9 What does that mean?

10 A Well, the rumor that it was under a tarp in a  
11 locked car -- in a locked garage.

12 Q And why did you need a picture?

13 A Just to send a picture.

14 Q For what purpose?

15 A Just a conversation that Ques and I had.

16 Q And then there's a picture that comes across.  
17 What is that picture of?

18 A I have no idea. I didn't take it. It looks  
19 like it could be the entrance. I don't know.

20 Q And then it says, "Car under tarp?" and  
21 there's another picture.

22 Do you know what that picture is supposed to  
23 be of?



1           A       It looks like a tow truck hauling something.  
2       I don't know.

3           Q       Do you know who that person is that's  
4       partially shown there?

5           A       Without a face, no. I mean, it could be Mr.  
6       George. He's got a whole bunch of -- unless it's a black  
7       and white issue, some oil on his pants or something. I  
8       couldn't tell you without a photo, ma'am.

9           Q       Yeah, no worries.

10                   Then it says, "No cruiser? White unmarked?"  
11       Quesenberry says, "Hunting. Hunting." Then you say,  
12       "Hmmmmmm. Maybe 'someone' moved it to repair shop?  
13       Without saying anything? Again all rumor."

14                   Who's the, quote, "someone" that you're  
15       referring to there?

16           A       I don't know.

17           Q       Did you have somebody particular in mind since  
18       you put it in quotes?

19           A       No, ma'am.

20           Q       I'm sorry?

21           A       No, ma'am.

22           Q       It says, "Again all rumor."

23                   What rumors were going around at this time?

1           A       Just the same rumor I had discussed earlier  
2       that -- from Officer William Bombara that there was a car  
3       accident involving Frank and had been sent to a shop under  
4       a tarp and that it was just -- it was locked up in a  
5       garage. That's it.

6           Q       And then the pictures that are shown there, do  
7       you know what those depict or is that the lot? Can you  
8       tell?

9           A       I couldn't tell you, ma'am. I don't know.

10          Q       The next page says, "HMMMMMM. Interesting.  
11       Ok. Eric didn't ask y u were there?" do you see that?

12          A       I do.

13          Q       And who is the Eric that you were referring  
14       to?

15          A       Eric George is the son of -- son of the owner,  
16       I forget his first name, Mr. George.

17          Q       Why were you asking him if Eric had asked why  
18       Quesenberry was there?

19          A       Probably just a simple question being that it  
20       -- I guess it was on a weekend. Why would Fleet be there  
21       on a weekend? I don't know.

22          Q       It goes on to say, he says, "He's next door at  
23       Manassas town hall." And you say, "Ok. Let me do some

1 digging. Thx for checking. Just heard some interesting  
2 stuff and figured u would know."

3 What digging were you planning to do?

4 A Just because of the rumor. I don't know what  
5 -- I have no clue why I put that in there.

6 Q But you were going to continue digging into  
7 the Winston car accident issue? Is that was this is  
8 referring to?

9 A It could be. Yes, ma'am.

10 Q And do you remember the "interesting stuff"  
11 you had heard?

12 A Well, just the fact that it was a car accident  
13 and the later on there was information that the seatbelt  
14 was cut on purpose to make it appear used or something  
15 like that.

16 Q Who told you that?

17 A Again, Officer William Bombara.

18 Q Do you know whether he ever saw the car after  
19 it was wrecked?

20 A If who saw the car?

21 Q Bombara.

22 A Oh, I don't know, ma'am.

23 Q Do you know whether the seatbelt may have been

1 cut to get Officer Winston out of his upside down car?

2 A I don't know, ma'am. Again, that's why I put  
3 in these are just rumors.

4 Q And you don't know whether the seatbelt was  
5 cut or the purpose for which it was cut if it was, do you?

6 A No, ma'am.

7 Q And you say, "Oh. Where is 924? Blue Vic."  
8 What are you referring to there?

9 A It could be a spare cruiser. That could be  
10 the one that Frank Winston was using in lieu of the -- his  
11 assigned car.

12 Q You go on on the second to last page talking  
13 about Winston's vehicle to say, "It's being hidden for  
14 reasons not to be talked about. Oh well. Not my  
15 problem," do you see that?

16 A Yes, up top. Yes, ma'am.

17 Q And when you say, "It's being hidden for  
18 reasons not to be talked about," what is your factual  
19 basis for asserting that the vehicle was hidden or it was  
20 not to be talked about?

21 A That was the conversation we had between  
22 myself and Officer Quesenberry.

23 Q Well, did you have any factual basis to say to

1 him that the vehicle was being hidden at this time?

2 A Well, if it was in a locked garage under a  
3 tarp and then now he can't find it, I just -- I put in  
4 that it was obviously hidden.

5 Q Are you suggesting that somebody at the  
6 Manassas Park Police Department was involved in hiding the  
7 vehicle?

8 A I had no knowledge of any of that, ma'am. No,  
9 ma'am.

10 Q And you say it was not to be talked about.  
11 Had anybody at the Police Department, as of  
12 the time that you were speaking about this incident to  
13 Quesenberry, said, "Don't talk about it"?

14 A I'm sorry, can you ask that again?

15 Q Yeah. At the time that you're this email  
16 communication or this text message communication with  
17 Quesenberry, had somebody or had you heard a rumor that  
18 somebody had said, "Don't talk about the Winston  
19 accident"?

20 A No. That was just common knowledge, ma'am,  
21 that you don't -- there were certain things that you would  
22 not discuss or bring up so you weren't brought in and, you  
23 know, accused of false allegations and stuff like that.

1 It was more like just let's not discuss it.

2 Q And it says, "Did u ask TDawg or Kevin today."

3 Who's TDawg?

4 A That's Major Reinhart.

5 Q TDawg, is that his nickname?

6 A That's his nickname that --

7 MS. BARDOT: I'll call you TDawg from now on.

8 (Laughter.)

9 MR. REINHART: Thanks.

10 THE WITNESS: Sorry.

11 BY MS. BARDOT:

12 Q And who's Kevin?

13 A That would be Kevin Hampton.

14 Q And so it appears that he's asking you whether  
15 you asked from of those two about the accident? Did you  
16 read it that way?

17 A I don't know, it was a weekend. It could be  
18 anything. I don't know.

19 Q Well, did you ask Reinhart about the accident?

20 A I don't think I did.

21 Q Did you ask Hampton?

22 A I don't recall.

23 Q Probably would --

1           A       Well, not at that time, I don't think I did.

2           Q       He probably would have told you to butt out,  
3       don't you think?

4                   MR. FINDLEY: Objection; foundation, form.

5                   THE WITNESS: I can't answer for them.

6                   BY MS. BARDOT:

7           Q       Then it says, "Nope for a certain reason." So  
8       he says, "Did u ask TDawg or Kevin today." And you said,  
9       "Nope for a certain reason."

10                   What did you mean by that?

11          A       It was probably reference to the accident.

12          Q       Well, you're answering the question, "Did you  
13       u ask TDawg or Kevin today." And you say, "Nope for a  
14       certain reason."

15                   What was the certain reason you didn't ask  
16       them?

17          A       Specifically, I can't -- I have no  
18       recollection. I could only think that because it involved  
19       Frank Winston. I don't know.

20          Q       You say, "I don't get involved in all that.  
21       No one knows I have all the details and I'm not getting  
22       involved. His problem not mine," that's what you wrote  
23       then?

1 A Correct.

2 Q And it goes on to say, "He's ur buddy."

3 Who are you referring to?

4 A Officer William Quesenberry and Captain Frank  
5 Winston.

6 Q Well, you're talking to Quesenberry. So when  
7 you say, "He's ur" -- oh. You're talking about the two of  
8 them, "He's ur buddy," Quesen --

9 A Yes, ma'am.

10 Q Yeah. Okay.

11 A Sorry.

12 Q And you say, "But he's been told to keep  
13 quiet."

14 A What basis on the day that you're searching  
15 for the vehicle did you say to Quesenberry that Winston  
16 was told to keep quiet?

17 A I don't know. I don't know what -- I don't  
18 know if this is before or after I talked to Frank. I  
19 couldn't tell you.

20 Q All right. That's all with that. Thank you.

21 In your lawsuit, you also claim that Lugo  
22 interfered with your ATF eTrace as a retaliatory act  
23 directed at you to get you to resign, do you remember



1 Q I'll show you 94.

2 (The document referred to  
3 above was marked Miller  
4 Deposition Exhibit No. 94,  
5 for identification.)

6 (Ms. Bardot handed the witness, Mr. Findley,  
7 and the police officers a document.)

8 BY MS. BARDOT:

9 Q This is an email, February 14, 2018, at 4:26  
10 p.m. It appears to be from you. I'm not sure where it  
11 went to, but it just says, "Working on it." And then  
12 after that there's an email from Lugo to you that says,  
13 "Your account is inactive, will work on it tomorrow," do  
14 you see that?

15 A I do.

16 Q I don't have any email string prior to this.  
17 This is the manner in which I received this from you.

18 Do you know what it means when it says,  
19 "Working on it"?

20 A I probably meant to put a question mark on  
21 there because if this is going to Chief Lugo about --

22 Q I see.

23 A -- eTrace --

1           Q       So it would have been a subject that said,  
2       "Etrace issue" and you believe you would have been like  
3       working on it, like, "Are you working on?"

4           A       Yes, ma'am.

5           Q       And then he says, "Your account is inactive,  
6       will work on it tomorrow," do you see that?

7           A       Yes. That's -- yes.

8           Q       You have indicated either in your answers -- I  
9       think in your answers to interrogatories that you  
10      contacted ATF with respect to this account; is that  
11      accurate?

12          A       I did a couple times.

13          Q       First of all, explain to me what the eTrace  
14      database, for lack of a word - I don't know if that's the  
15      right word - is?

16          A       Well, it's been several years, but from what I  
17      recall it's where any firearm that comes into, well, I'll  
18      just say, our, you know, our Police Department was to be  
19      documented through this eTrace and you're putting in any  
20      information you possibly can whether it be serial number,  
21      color, make, model, how you got it, where you got it, if  
22      it was a crime, who you got it from, all the information  
23      that ATF requires.

1           A       Get certain individuals access to eTrace so we  
2       can properly run guns for investigations.

3           Q       What was your job title or position at this  
4       time, February 2018? Were you a detective?

5           A       No, I was a first lieutenant on patrol, day  
6       shift, I don't know, night shift. Maybe night shift based  
7       on that email time.

8           Q       If this woman told you that Lugo inactivated  
9       it on February 6, 2018, do you know whether that would  
10      have occurred automatically due to lack of use by you?

11          A       You mean for the -- you mean to be inactive?

12          Q       Yes.

13          A       That I don't have knowledge of. No, ma'am.

14          Q       When is the last time prior to February 14,  
15      2018, that you had used the eTrace system?

16          A       Off the top of my head, I can't tell, ma'am.

17          Q       Do you know if it was a year? Two years? Ten  
18      years? Can you give me any idea whatsoever?

19          A       I want to say within that year. We had  
20      collected a couple guns off the street at least for our  
21      squad. And as a squad lieutenant, because I had access to  
22      it, I was able to assist any squad member to do this.

23          Q       And did you actually use it during that year?

1           A       Yeah. If I had used it, I would have a return  
2       from ATF and that would be in their system and I would be  
3       able to provide that document to the officer who recovered  
4       that weapon.

5           Q       And do you know if you become inactive by non-  
6       use of the system?

7           A       I don't know. I'm not familiar with how the  
8       system works. I just have access to the system to run the  
9       necessary weapon checks.

10          Q       You go on to say in your lawsuit that Lugo  
11       waited until March 6, 2018, to restored you eTrace  
12       account.

13                   Do you know what he had to do in order to get  
14       you restored?

15          A       I don't have any clue as to what he had to do.  
16       It's just based on the lady said that only Mario Lugo can  
17       reactivate me. So I don't know -- I don't know what he  
18       had to do.

19          Q       Do you know if he had to speak with anybody?

20          A       I don't know, ma'am.

21          Q       Do you know if he had to submit paperwork?

22          A       I don't know, ma'am.

23          Q       Do you know if there was any delay on the

1 other side, the eTrace side after Lugo started the  
2 activation process?

3 A I'm not sure of the question. You mean --

4 Q Yes. He eventually activated you, you've  
5 indicated.

6 A Yeah. He reactivated me in March, correct.

7 Q Right. Do you know once he requested that you  
8 be activated whether there was any delay on the eTrace  
9 side in getting you activated?

10 A I don't know any of that, ma'am. No, ma'am.

11 Q Do you know what else he had on his plate,  
12 meaning Lugo, between February 14th and March 6?

13 A Off the top of my head, I don't know, ma'am.

14 Q And you indicated in your lawsuit that on  
15 February 14, 2018, that you had an urgent need to use  
16 eTrace; correct?

17 A Correct.

18 Q And once you were not able to get in on that  
19 day, did your urgent need go away?

20 A No. It'd still be -- if was reference to  
21 eTrace?

22 Q Yes.

23 A Whoever I'm helping, I think it was Detective

1 Koglin, K-O-G-L-I-N, and I think I told him, "Listen, I  
2 don't have access. Please you're going to have to reach  
3 out to somebody else."

4 Q So this was not your case?

5 A No. Detective Koglin -- I thought it was  
6 Detective Koglin had a weapon or somebody and I was -- it  
7 was requested they come to me. So because I had -- there  
8 was only a select number of us that had this access for  
9 eTrace, and if I'm working nights and he was working late  
10 one night, maybe that's why he came to me.

11 Off the top of my head, I don't why he came to  
12 me, specifically, but he did. And when I didn't have  
13 access to it, I told him, "You're going to have to find  
14 somebody else. Mario's working on it, he said."

15 Q And did you think it as unreasonable the  
16 response that you got from Chief Lugo when you asked him  
17 to activate your eTrace account?

18 A The response, you mean this response  
19 (indicating) right here?

20 Q Yeah. Did you think anything he did the  
21 process to get you reactivated was unreasonable?

22 A Well, being that he inactivated my account, I  
23 figured that he was taking his time as more a -- another

1 little jab at me.

2 Q Well, that's a conclusion you drew, but you  
3 don't have any facts to support that, do you?

4 A No, ma'am.

5 Q And you don't even know that he inactivated  
6 your account, you've never seen any documentation to  
7 support that; correct?

8 A It's just based on what the lady told me.

9 Q Right. But first you got two calls in where  
10 they're just saying your account is inactive; correct?

11 A Correct.

12 Q They didn't tell you that Lugo inactivated it,  
13 did they?

14 A They did not.

15 Q And you've not seen any documentation, you  
16 don't have any emails that reflect that Lugo actually took  
17 some affirmative action to inactivate your eTrace account,  
18 have you?

19 A I don't have that, no.

20 Q And as the point of contact on that account,  
21 if you lapsed, let's say for lack of use, do you know  
22 whether their system would reflect "Inactivated by point  
23 of contact" or something else? Do you have any

1 any more issues. I was just trying to get my job done,  
2 but document certain things on the back side.

3 Q Well, you're talking about being retaliated  
4 against by "these people," being command staff, you've  
5 mentioned Lugo and your belief that he was upset with you  
6 about the badges and you've mentioned the eTrace account  
7 and the Winston car accident.

8 I haven't heard you mention anybody else that  
9 you thought was retaliating against you prior to February  
10 2018 who's a defendant in this case.

11 Is there someone else who you believe prior to  
12 February of 2018, who's sitting at this table, retaliated  
13 against you?

14 A No, ma'am.

15 Q And when you say, "retaliated against you,"  
16 had Lugo up, until February of 2018, changed your job  
17 position?

18 A No, ma'am.

19 Q In the form of a demotion?

20 A No, ma'am.

21 Q Had he affected your pay negatively?

22 A No, ma'am.

23 Q And he transferred you to a position outside



1 the Police Force?

2 A No, ma'am.

3 Q And if Lugo had suspended your eTrace on  
4 February 6, the time that you went to use it wasn't even  
5 for your own case, correct, it was to assist this Koglin?

6 A I think it was Detective Koglin. Yes, ma'am.

7 Q And so that was his case and he could get that  
8 information from someone else; correct?

9 A Get what information?

10 Q Whatever he needed to get through eTrace.

11 A No. At the time there was, I think it was  
12 myself, I think Captain Winston had access. I'm not sure  
13 if Major Reinhart had access still, I'm not sure of who  
14 anybody in the Detective Bureau had access, but I know I  
15 had access and he had asked me, so I was going to help  
16 him.

17 Q Well, do you know if Koglin went to Winston or  
18 Reinhart or anybody else who had eTrace capability to get  
19 whatever help he needed?

20 A After? I don't know, but before February 6,  
21 obviously he did not, that's why he came to me.

22 Q And your inability to run a search through  
23 eTrace on February 14, 2018, didn't interfere with any

1 case you were working; correct?

2 A Correct.

3 Q You've also talked about being placed in a  
4 vehicle that you thought was too small for you, do you  
5 remember this complaint?

6 A Yes, ma'am.

7 Q What sort of vehicle were you placed in?

8 A It was a Ford, I think they called them "the  
9 Five Hundreds," I think. It was a Ford Five Hundred,  
10 which is an old -- I forget the style of car, but it was a  
11 -- almost like a small Taurus.

12 Q What did you have prior that car?

13 A I had an SUV. I forget which -- what brand it  
14 was.

15 Q And who moved you from the SUV to the Ford  
16 Five Hundred?

17 A I was told Lugo.

18 Q Told by whom?

19 A Officer William Quesenberry.

20 Q You weren't involved in that; correct?

21 A Involved in the change?

22 Q Yes.

23 A Just --

1           A       No. It was a -- I think it was an unmarked  
2 silver one.

3           Q       Were you unhappy about that change in vehicles  
4 immediately?

5           A       Oh, yes.

6           Q       Did you ask to keep the old one?

7           A       I want to say I went to Trevor, but I don't  
8 have that -- I don't have that recollection.

9           Q       At the time the person who was in charge of  
10 vehicle assignments was Captain Hampton; isn't that true?

11          A       For vehicle assignments?

12          Q       Yes.

13          A       I don't think so. No, ma'am. I think it was  
14 -- well, Quesenberry's name was on it, but he wasn't  
15 really in charge of Fleet, that was just his job  
16 description, but everyone knew that command staff, which  
17 included Kevin Hampton, really made those decisions.

18          Q       Right. And do you know whether or not Hampton  
19 was the one who had the ultimate authority to make that  
20 decision without any approval by Lugo or Reinhart, do you  
21 know?

22          A       I don't know.

23          Q       Were you ever moved from the Ford Five Hundred

1 that you didn't care for to another vehicle?

2 A Yes, three or four months later. Yes, I was.

3 Q And what were you moved to?

4 A I was moved to a marked Denali, I think.

5 Q And how was it that you came to be moved to  
6 that vehicle, do you have an understanding?

7 A Just one day I was told that the vehicles were  
8 changing.

9 Q And do you know who made that decision?  
10 Without speculating.

11 A I don't have, I mean, it was just posted from  
12 -- it was posted on the day when I arrived at work.

13 Q And where would that be posted?

14 A Downstairs in the patrol area.

15 Q Downstairs in the patrol area.

16 Is that when you --

17 A First floor.

18 Q -- first walk through the door in the big  
19 room? Is that what you call the patrol area?

20 A No. If you walk in the front, you've got  
21 command staff area with roll call and then the bottom is  
22 where the firearms range and all the patrol officers sit.

23 Q Gotcha.

1           Q       And you also claim in your lawsuit that on May  
2       21, 2018, that Lugo denied you access to an Accurint  
3       account, do you remember that?

4           A       Yes, ma'am.

5           Q       What is an Accurint account? What does that  
6       do?

7           A       Accurint just it's another database where you  
8       can -- you can utilize for investigations when it comes to  
9       a thorough background on people whether it be where  
10      they've lived, who they've been married to, almost like an  
11      ancestry sort of thing depending on what you're looking  
12      for, but I had not -- when I used it as a detective, it  
13      was very thorough.

14                 I know it was a -- I think it was a paid  
15      account. I'm not sure. I think Ms. Barton told me it was  
16      a paid account, but only when you needed it, I think or  
17      printed something. I forget, but, of course, that was  
18      months, or that was years prior.

19                 But it's just another police database just to  
20      assist you. And I know that a lot of the detectives that  
21      came out of the Detective Bureau, who were either promoted  
22      or just went back to the street as slick sleeves, they  
23      still had access to it and utilized it for whatever

1 purposes they needed it for.

2 Q Does the Accurint, or back then did the  
3 Accurint account provide you different information than  
4 you could get through LInX? LInX is L-i-N-X.

5 MR. FINDLEY: No, it's --

6 BY MS. BARDOT:

7 Q No. L-I-n-X.

8 A I could not tell the different between what  
9 you'd return with Accurint and LInX queries. I couldn't  
10 tell you.

11 Q And back in this time frame, May of 2018, you  
12 had access to LInX; correct?

13 A Yes, ma'am.

14 Q And would you agree that back in this time  
15 frame, May of 2018, that Chief Lugo had discretion to  
16 decide who would have access to which different databases?

17 A Oh, that was clear. I mean, that's what the  
18 email said, I think.

19 Q I'll show this Exhibit 95.

20 (The document referred to  
21 above was marked Miller  
22 Deposition Exhibit No. 95,  
23 for identification.)

1 (Ms. Bardot handed the witness, Mr. Findley,  
2 and the police officers a document.)

3 BY MS. BARDOT:

4 Q Do you recognize this Exhibit 95, which is an  
5 email from you to Karen Barton, May 20, 2018, at 3:41 and  
6 her response to you, May 21, 2018, at 10:59 a.m.?

7 A Yes, ma'am.

8 Q Who is Karen Barton?

9 A She was the Chief's secretary at the time,  
10 Executive or Division Chief, which is a secretary. I  
11 can't think of the professional name. Sorry.

12 Q It's all right.

13 A Executive Assistant.

14 Q And so you reached out to her on this  
15 particular date and said, "Haven't" -- "Subject Accurint.  
16 Haven't needed in years but can you restart my account  
17 please. Great tool for some cases," do you see that?

18 A Yes, ma'am.

19 Q Did you have a particular case that you were  
20 working on that you needed this system for on this date?

21 A I must have, otherwise I wouldn't probably  
22 have sent it. I can't recall, ma'am.

23 Q And she goes on to say, "Re-activation

1 requires authorization from Captain Lugo. He didn't give  
2 it when I forwarded your email. You may need to work on  
3 him yourself," do you see that?

4 A Yes, ma'am.

5 Q How did you interpret that email from her to  
6 you?

7 A That Lugo said, "no."

8 Q But it doesn't say that, does it?

9 A It just says, "He didn't give it when I  
10 forwarded your email." You asked my interpretation.  
11 That's just my in -- that Lugo said, "no."

12 Q That could also mean he didn't reply, could it  
13 not?

14 A Could be. Yes, ma'am.

15 Q You've not seen any email from him where he  
16 responded to her email or responded to her in writing,  
17 have you?

18 A I have not. That would not normally be  
19 something Ms. Barton would forward. I think she would  
20 just phrase it in her way to describe the response.

21 Q And you did not speak with Lugo regarding your  
22 request that you be given access to Accurint around this  
23 May 21, 2018, time frame, did you?



1 A I never talked to Chief Lugo, no.

2 Q Was this account ever restored for you?

3 A No, ma'am.

4 Q And you were able to do your job without it,  
5 were you not?

6 A I was. Yes, ma'am.

7 Q And did you at this time in May of 2018  
8 believe that the failure to restore your Accurint account  
9 was retaliatory?

10 A That's why document it, ma'am. Yes.

11 Q Did you make a complaint with respect to it?

12 A I did not.

13 Q Why not?

14 A The complaint would go nowhere, ma'am.

15 Q Well, you keep saying that, but what's the  
16 basis for that?

17 A Just the fact that there was prior issues  
18 documented even before the badge incident, say in 2016,  
19 that sort of fell on deaf ears.

20 Q Okay. Tell me about those.

21 What incident or incidents are you referring  
22 to?

23 A Well, there were incidents involving credit

1 relationship with Reinhart for him to confide these things  
2 in you.

3 A I actually did.

4 Q And did that remain the case through July of  
5 2019?

6 A Until August of 2019, I guess. Or October.

7 Q So let me just follow this line of questioning  
8 for a minute. We talked a lot about Lugo and the issues  
9 you have with him and we'll about some more of those.

10 You've told me that up until August or October  
11 of 2019 you had a good working relationship with Reinhart.

12 Up until that same time frame, did you have a  
13 good working relationship with Carl Dorr?

14 A I did. I had no issues with Carl Dorr,  
15 Lieutenant Carl Dorr.

16 Q And up until that time frame, August or  
17 October of 2019, did you have any issues with Winston?

18 A I didn't have any particular work issues with  
19 Captain Frank Winston, it more of the knowing that he can  
20 say or do whatever he wanted and it appeared that even if  
21 he got pulled in like I did to say, "Hey, stop that," he  
22 would continue. But then there were times with Captain  
23 Frank Winston that we'd have a great fun time, like we

1 A Off the top of my head, I can't recall, ma'am.

2 Q So turning back to Exhibit 85 --

3 A Is that the big one?

4 Q It is.

5 On Page 11 of Paragraph 59, you say, "On  
6 October 30, 2018, Defendant Lugo publicly accosted Officer  
7 Miller after Defendant Lugo learned that Officer Miller  
8 helped to support a law enforcement officer in a  
9 neighboring jurisdiction with a grievance appeal and a  
10 FOIA request," do you see that?

11 A Yes, ma'am.

12 Q Who is the law enforcement officer to whom you  
13 refer?

14 A That would be -- I think she's a lieutenant,  
15 Stephanie, I think it's Morbeto, M-O-R-B-E-T-O. I'm not  
16 sure if that's still her last name, though.

17 Q And you say he publicly accosted you, explain  
18 to me what you mean.

19 A When -- when I was in his office, we had just  
20 completed, I think it was myself, Major Reinhart and Chief  
21 Lugo, they were captains and this was a -- this was in  
22 Chief Lugo's office upstairs in the Detective Bureau. We  
23 had just I think completed an investigation on a

1 supervisor for something that they had asked me to do. So  
2 I had talked to them about sort of like how my findings  
3 were, how my memo was going to make sure it read okay for  
4 them.

5 And when we were kind of done, as I was  
6 leaving, he says, "Hey, Regan, I got a question for you."  
7 And I said, "What's up?" And he said, "Why are you  
8 helping" or "Are you helping Stephanie in a FOIA request?"  
9 And I kind of paused. It caught me off guard because I  
10 was -- I knew it was legal, but I didn't know like if  
11 there was -- if I was going to be in trouble for helping.

12 And when I said, "Well, I have an attorney  
13 that said it was okay to help her because of the FOIA  
14 background that I had a little," and he goes, "Well, it's  
15 not illegal, so I guess it's okay.

16 Q And that was an accostation?

17 A As his rank of captain, absolutely, ma'am. It  
18 was an intimidation factor. I felt very -- I felt as if I  
19 was about to be yet accused of something and under  
20 investigation for another thing that I was just trying to  
21 help with.

22 Q Do you know why it was that he asked you that  
23 question?

1           A       Well, being that I helped another  
2 jurisdiction, I could only -- I could only think that it  
3 was Chief Keen from Manassas City Police had inquired or  
4 made a phone call to Lugo. I don't know all of that.  
5 That's just me trying to put two and two together.

6           Q       Did Lugo scream at you when he asked you this  
7 question?

8           A       There was no screaming, ma'am. No, ma'am.

9           Q       Did he raise his voice?

10          A       I can't say he raised his voice, but there was  
11 a definitive tone of command presence, if that makes  
12 sense.

13          Q       Did he get in your face?

14          A       No. There was a desk, there was no -- did not  
15 get in my face. No, ma'am.

16          Q       Did he threaten you?

17          A       There was no threat.

18          Q       So was Reinhart still there?

19          A       I think he had just left. I don't -- I don't  
20 believe he was there.

21          Q       So what do you mean by "publicly" then?  
22 You're in his office, it's just the two of you, what does  
23 that mean "publicly accosted" you?

1           A       That's just something that was in there,  
2       ma'am.

3           Q       So really he privately questioned you, would  
4       that be more accurate?

5           A       He privately, I guess you could say questioned  
6       with a little more authoritative question in nature.

7           Q       Does he usually act authoritative when he  
8       questions you?

9           A       If Chief Lugo is mad, he will -- he has a way  
10      of asking that's not in a very polite manner and he had  
11      already done that prior with me.

12          Q       When?

13          A       Well, for the car accident issue with Frank  
14      Winston.

15          Q       Was it your impression that when he asked you  
16      this question about Stephanie Morbeto on October 30 that  
17      Lugo was mad?

18          A       I could tell he was not happy.

19          Q       How?

20          A       Just the tone in his voice, the way his  
21      question it, you know, and I guess why he questioned. You  
22      know, if I'm assisting a friend in the jurisdiction next  
23      door through just a simple FOIA request, that's all I was

1 doing.

2 For he him to question me on that was kind of  
3 -- it kind of caught me off guard, if that makes sense,  
4 almost like, well, "Why are you helping?" And --

5 Q Well, he didn't ask you why you were helping,  
6 did he?

7 A No. He asked if I was the one that was -- if  
8 I was the one that helped, something to that effect where  
9 he knew I had assisted Officer Morbeto in the FOIA  
10 paperwork.

11 Q Right. And that was pretty much the extent of  
12 the conversation: "Are you assisting her?" "Yes."  
13 "Okay. It's not illegal." I mean, that's what you pled.

14 Is that the gist of the whole conversation?

15 A That's what I pled, but had it been in that  
16 sort of tone that we're in now then I would not have had a  
17 big issue about it.

18 Q But this was a big issue?

19 A It's an issue, yeah.

20 Q You said you wouldn't have had a big issue  
21 with it.

22 Is this a big issue?

23 A In the totality of everything, yes, ma'am.

1           Q       He didn't direct you to stop helping Stephanie  
2 Morbeto, did he?

3           A       No, ma'am.

4           Q       He didn't suggest to you that there would be  
5 any discipline for what you had done, did he?

6           A       No. I did mention I had an attorney, more of  
7 to make sure that he knew that everything I was doing was  
8 sort of okay because it was that FOIA is a civil issue,  
9 and I was kind of like I'm just trying to help her out.  
10 You know, that was all I was trying to do.

11          Q       You like to throw the attorney reference out,  
12 don't you?

13                   MR. FINDLEY: Objection.

14                   BY MS. BARDOT:

15          Q       I mean, you did that --

16          A       Well, because --

17          Q       -- with the badges, too, did you not?

18          A       I did. I felt that if there's going to be in  
19 sort of potential disciplinary action, I'm going to  
20 protect myself, ma'am.

21          Q       And you know that once you throw out attorney  
22 reference that it causes Lugo and the others to have to  
23 back off because once you have an attorney they can't talk



1 with you about these issues directly, do you not?

2 MR. FINDLEY: Objection.

3 THE WITNESS: I think that's incorrect, ma'am.

4 BY MS. BARDOT:

5 Q And on what basis do you think that's  
6 incorrect?

7 A Just the mentioning that I have an attorney  
8 does not mean they can't question me.

9 Q And what do you base that on, your own belief?

10 A Yeah. You can still question somebody if it's  
11 for a work-related issue.

12 Q Then you go on to say on Page 11 at Paragraph  
13 61, right before that, "Retaliatory Acts Directed at  
14 Officer Miller - Publicly Accused of Being of a 'Rat.'"   
15 Do you see that?

16 A Yes, ma'am.

17 Q You say, "Shortly thereafter, in November  
18 2018, Defendant Lugo improperly, and without a factual  
19 basis, announced to several MPPD officers that Officer  
20 Miller had 'ratted' on one of his fellow officers.  
21 Specifically, Officer Miller was falsely accused of  
22 reporting an officer's use of an MPPD van for a personal  
23 vacation to Florida," do you see that?

1 A Yes, ma'am.

2 Q Were you present somewhere where Lugo  
3 allegedly said that you had ratted on a fellow officer?

4 A I was not.

5 Q So you didn't hear that.

6 A Not from Lugo, no.

7 Q And you've never seen it writing, have you?

8 A That Lugo called me a "rat"?

9 Q Yes, sir.

10 A No, ma'am.

11 Q And so who was it that told you that Lugo said  
12 you had ratted out one of your fellow officers?

13 A It was Officer Ben Dillard.

14 Q And is that the word he used, "ratted out"?

15 A No. That's just more of term I think we use  
16 for anyone who sort of --

17 Q So what did Dillard tell you then if he didn't  
18 use the term "ratted out"?

19 A Oh, just that my name was mentioned. Him and  
20 Kevin Hampton told me that me name was mentioned in  
21 closed-door meetings when that information about the  
22 personal trip to Disney somehow got out.

23 Q Do you know who this refers to?

1 A I'm sorry?

2 Q Do you know who this refers to?

3 A The van trip?

4 Q Yes.

5 A It would be Captain Melissa Boorman.

6 Q And were you aware of her using an MPPD van  
7 for a personal vacation to Florida?

8 A I had no knowledge of that, ma'am, at the  
9 time.

10 Q And who did these closed-door meetings  
11 purportedly occur with where you say Ben Dillard told you  
12 that your name came up?

13 A The closed-door meetings would have been from  
14 Kevin Hampton, but the Ben Dillard would have been just  
15 from him passing through the Patrol Division.

16 Q Who did Kevin Hampton say he had closed-door  
17 meetings with where your name came up?

18 A He didn't say specifically who the closed-door  
19 meetings is with. I could only think that would be during  
20 their weekly command staff, I guess, meetings that they  
21 would have about the Police Department and the ongoing  
22 and what's needed.

23 Q And exactly what did Kevin Hampton tell you

1 Lugo said about you when your name came up?

2 A Just that my name was being mentioned, thrown  
3 around in the conversation along with a couple others that  
4 this information got through some social media. And was  
5 not until after a staff meeting that I was finally  
6 provided any information about that. And I had no  
7 knowledge of it even prior.

8 Q Right. So I'm just trying to figure out when  
9 your name came up, was it -- is it your understanding that  
10 it was like, "Hey, could it have been Regan Miller who  
11 said something about it? Could it have been X, Y, and Z?"  
12 What exactly did he say was said when your name came up?

13 A Exact words, I could not tell you, ma'am.

14 Q Can you give me the general content of what he  
15 said other than your name came up?

16 A Just that my name would be mentioned along  
17 with others, that obviously people were mad that  
18 information like that got out because of what was said on  
19 I guess some website and it looked -- it reflected badly  
20 on Manassas Park. And it did, but without knowing the  
21 context of that, I guess that post, it could have been  
22 incorrect, but I did not see that post until after the  
23 staff meeting.

1           Q       So did either Ben Dillard or Kevin Hampton  
2 tell you that Lugo had expressly announced, as you've  
3 indicated, that you ratted out one of your fellow  
4 officers?

5           A       Those were not the exact words, ma'am.  
6 Correct.

7           Q       And did either of them tell you that Lugo had  
8 even said that you were the one who were spreading a rumor  
9 about Boorman and the use of the van?

10          A       You mean that I specifically said it?

11          Q       Yes.

12          A       All I was told that my name was bounced  
13 around, thrown around in conversation that I was the leak,  
14 that I told this person about the trip. And I had zero  
15 knowledge of the trip until after all these accusations  
16 came out.

17          Q       So did Dillard tell you that that's the  
18 context in which your name was mentioned, that Lugo said  
19 you the leak of the information?

20          A       No.

21          Q       Or just that your name was mentioned in the  
22 conversation?

23          A       Sorry. Those conversations would be with

1 Kevin Hampton. I'm sorry. The Ben Dillard was after he  
2 was confronted, he told that he had heard my name  
3 throughout the patrol area along with a couple others,  
4 that because apparently there was an investigation going  
5 on that they wanted to find out who told this person about  
6 this trip because it did -- it reflected poorly on the  
7 Department.

8 Q Right. And that's what I'm trying to drill  
9 down to. I'm not trying to be different with you.

10 I'm just trying to figure out did your name  
11 come up on the conversation or did somebody tell you that  
12 it was more than that and Lugo actually said something to  
13 the effect of you were the person responsible for leaking  
14 the information?

15 A It'd be your first one. It was my name was  
16 mentioned. It was the thought alone that if my name is  
17 mentioned then they're going to find out.

18 Q I want to fast forward a little bit. In your  
19 complaint you mention three, what you phrase as "Failed  
20 administrative investigations"; correct?

21 A Correct.

22 Q Let's start with the one that's Letter H:  
23 "The First Failed Administrative Investigation Against

1       2019, Officer Miller was approached by Defendant Reinhart  
2       (one of Officer Miller's superiors) and was questioned  
3       about an alleged complaint lodged against a sergeant under  
4       Officer Miller's command," do you see that?

5             A       Yes, ma'am.

6             Q       And that occurred?

7             A       That's correct.

8             Q       And he told you at that time he was going to  
9       start an investigation into this matter; correct?

10            A       I don't know if he was -- if he was starting  
11       an investigation or if he had just questioned me  
12       immediately. I don't recall. It could've been after.

13            Q       And it says, "In response to Defendant  
14       Reinhart's investigatory questions, Officer Miller  
15       acknowledged that on or about November 7, 2018, an officer  
16       reported witnessing the Sergeant," who would have been  
17       under your command, "make a rude comment to a driver  
18       during a traffic stop. In response, Officer Miller said  
19       he would look into the matter," do you see that?

20            A       Yes, ma'am.

21            Q       And did that in fact happen that in November  
22       you had been approached about this incident?

23            A       Apparently, yes.

1           Q       And two months had gone by before Reinhart  
2       approached you and you had done nothing with respect to  
3       that; correct?

4           A       Yes, ma'am.

5           Q       And you admitted that; correct?

6           A       I did.

7           Q       And you said, "At the time, Officer Miller's  
8       unit was understaffed and overworked."

9                   That is what you've pled; correct?

10          A       Correct.

11          Q       And what was going on that you were  
12       understaffed and overworked?

13          A       If I recall, I think I had -- I had just been  
14       transferred to another shift. I'm not 100 percent sure on  
15       that. And there was an issue with -- there was an issue  
16       with a DWI report, a Driving While Intoxicated report with  
17       Officer Bussell. And for some reason, I got assigned  
18       that, but he was not my sergeant at the time of that  
19       report I believe and I was trying to somehow correct some  
20       things, but being that I had just transferred and was  
21       trying to figure that out and make sure that what Major  
22       Reinhart wanted was completed for the Officer Bussell DWI,  
23       I think that was at the time.



1           Q       So that assistance on the Bussell matter is  
2 what made you overworked?

3           A       No. It was just on top of just the every day  
4 Lieutenant requirements still working, but I had sat there  
5 and I, you know, I told Major Reinhart immediately, I was  
6 like, "You know it slipped my mind. I completely screwed  
7 up. I apologize."

8           Q       It says in this Paragraph 66, you readily  
9 admitted your mistake.

10                   And what mistake was that that you readily  
11 admitted?

12           A       That I did not go back to Paragraph 65 and  
13 look at the video from that -- from that complaint. I  
14 think it was Officer Whetsell made a complaint about  
15 Sergeant Fallon making some rude, dumb comment during a  
16 traffic stop. And shortly thereafter there was the --  
17 there was the switch I think, I just don't know when, and  
18 it completely just slipped my mind.

19           Q       And it says, continuing in Paragraph 66 that  
20 you admitted your mistake "and inquired as to the nature  
21 of the complaint. Defendant Reinhart refused to give  
22 Officer Miller any further details," do you see that?

23           A       Yes, ma'am.

1 Whetsell was -- Officer Whetsell was about the insensitive  
2 comments and then -- it says I was not on-duty. Okay.

3 So I -- again, it slipped my mind, but in here  
4 there's just no -- there's no specific as to what the  
5 comment was. I was trying to find out what the -- what  
6 the comment was.

7 Q Well, it says right here on the third  
8 paragraph, "January 9, 2019, Lieutenant Miller confirmed  
9 Officer Whetsell came to him regarding concerns related to  
10 Sergeant Fallon's actions during a traffic stop on  
11 November 4, 2018. When asked what if any action did he  
12 take on this matter, Lieutenant Miller stated, 'I did not  
13 review anything', '...it just slipped my mind.' 'He said  
14 something about you shouldn't be in the country or  
15 something like that.'

16 A Okay.

17 Q So this provides you generally the substance  
18 of the comment that you didn't investigate, does it not?

19 A Yes. It's still not specific because it says,  
20 "something like that." And I remember having a  
21 conversation with Chief Evans during the appeals process  
22 that I said, "Well, what was the actual issue at hand?"  
23 And Chief Evans goes, "It was nothing crazy. It was

1 nothing big." And it was --

2 Q All right. But --

3 A So that --

4 Q I'm sorry, go ahead.

5 A No. So when Chief Evans said that, I didn't  
6 know if it was more of the it's Fallon being Fallon sort  
7 of off the cuff with no filter versus Chief Evans kind of  
8 diminishing Fallon's actions.

9 Q But you say in Paragraph 67 of your complaint  
10 that you were given a written reprimand and that despite  
11 demand, you were never presented with evidence of the  
12 alleged wrongful conduct, it's not true, is it, because  
13 it's contained on Paragraph 2 of 96?

14 A Well, if that one sentence is the evidence,  
15 then, yes, ma'am, I received some evidence. It just  
16 wasn't -- I remember I kind of wanted to see the actual  
17 video, even though I knew that Detective -- not Detective  
18 Reinhart -- Major Reinhart had already said he was going  
19 to look into that matter and deal with it himself. And I  
20 was like, "Okay. That's fine, whatever."

21 Q It goes on in Paragraph 68 of your complaint  
22 to say, "Based upon Officer Miller's knowledge of prior  
23 policy violations committed by other MPPD officers, the

1 investigation and written reprimand was unusually harsh  
2 and out of line with normal disciplinary practice," do you  
3 see that?

4 A Yes, ma'am.

5 Q What prior policy violations are you referring  
6 to in that paragraph?

7 A I mean, I'd go back to the Quesenberry issue.

8 Q Which we've established you have no facts  
9 about.

10 A Correct, ma'am.

11 Q Okay. What else?

12 A There was -- off the top of my head, I can't  
13 recall specifics. I apologize, ma'am. Nothing off the  
14 top of my head right now.

15 Q Well, was there anything that was off the top  
16 of your head when this lawsuit was filed in April that  
17 supported that allegation?

18 A Well, there must have been.

19 Q And you can't think of it now?

20 A Not at this moment, ma'am. No, ma'am.

21 Q And you said the written reprimand was  
22 unusually harsh compared to those prior things you can't  
23 recall?

1           A       Yes. And in general, just a written reprimand  
2 for forgetting to review a video, I thought was harsh.

3           Q       But certainly it would have been within the  
4 discretion that Reinhart had; correct?

5           A       Yes. And when I asked him if he can reduce it  
6 when he -- when he handed it to me, just without having to  
7 go through the grievance form, he just says, "I just  
8 can't." So I was like, "Okay. Well" -- that's then I  
9 reached out to Chief Evans. And I acknowledged that and  
10 respected his decision and moved on.

11          Q       And you then grieved it, is that what you're  
12 telling me?

13          A       I did, ma'am. Yes.

14          Q       And what happened with respect to that?

15          A       Well, I had to -- I did have to talk with  
16 Chief Evans first to make sure that there were -- that the  
17 city policy guidelines were met with time lines.

18                 And so when we sat down, Chief Evans said,  
19 "I'm not sure of exactly when to submit it, but let's call  
20 Ms. Dingler." So he called from his office, left a  
21 message with Valerie Dingler, the HR Director, and just  
22 said, "Hey, want to make sure that if anyone files a  
23 grievance" - I don't think he mentioned my name - "but if

1 anyone files a grievance, there's certain paperwork within  
2 a certain time frame," because I was coming up I believe  
3 on the 10th or 20th day of filing a grievance through the  
4 -- through the guidelines.

5 And so once Chief Evans came to me and said,  
6 "You need to submit that," the grievance form, I did so.

7 Q And what happened?

8 A I was pulled in shortly thereafter and Major  
9 Reinhart lowered the written reprimand to the oral  
10 reprimand.

11 Q He issued you a record of employee conference  
12 following that; correct?

13 A Yeah. Oral reprimand is the same as the oral  
14 conferencing form. Yes, ma'am.

15 Q Let me show this, 97.

16 (The document referred to  
17 above was marked Miller  
18 Deposition Exhibit No. 97,  
19 for identification.)

20 (Ms. Bardot handed the witness, Mr. Findley,  
21 and the police officers a document.)

22 BY MS. BARDOT:

23 Q And ask you if that's what you're referring

1           Q       Did you reach out to anybody at Manassas Park  
2 when you saw and say, "Hey, you know, could you remove  
3 that? It shouldn't be there"?

4           A       I was already gone, ma'am.

5           Q       Well, you seem to have some concern that that  
6 written reprimand is in your file and available for people  
7 to look at.

8                   So my question is if that's the case, which  
9 you've certainly pled, did you reach out to Manassas Park  
10 and say, "Hey, look, could you take that out? It  
11 shouldn't be there"?

12          A       No. That was just something I disclosed to my  
13 attorneys.

14          Q       And do you know whether your attorneys have  
15 ever reached out to Manassas Park and said, "Hey, I think  
16 that's shouldn't be in there. Could you remove it?"

17          A       To what extent they -- their interaction with  
18 City Hall and that removal, I could not tell, ma'am.

19          Q       And as you sit here today, you don't know  
20 whether the written reprimand, which is Exhibit 96, is in  
21 your personnel file at Manassas Park or not, do you?

22          A       I hope not, but I don't know.

23          Q       You go on to state in Paragraph 74, "Upon

1 information and belief, the Written Reprimand has been  
2 wrongly submitted to background investigators who have  
3 requested Officer Miller's file."

4 You don't have any information to support  
5 that, do you?

6 A Not direct, ma'am.

7 Q How about indirect?

8 A Just based on my -- how I did backgrounds. So  
9 I don't have -- I don't have exact knowledge or a name of  
10 who would call, but just how backgrounds were done when I  
11 was there.

12 Q Right. But you don't even know that anybody  
13 outside of Manassas Park has asked to look at your file,  
14 do you?

15 A Correct, I do not know.

16 Q You go on to say, "Such action was done  
17 purposefully by Defendant Palko, Defendant Lugo, and  
18 Defendant Reinhart in order to negatively impact Officer  
19 Miller's ability to find gainful employment with another  
20 law enforcement agency," do you see that?

21 A Yes, ma'am.

22 Q "Such action," are you referring to putting  
23 the written reprimand in your personnel file?



1           A       Not necessarily putting, but keeping it in  
2           there versus pulling it out after the oral reprimand was  
3           -- I guess once it was reduced, it would have to be  
4           removed from the personnel file.

5           Q       Do you know whether Palko is aware that the  
6           written reprimand has ever been in your personnel file?

7           A       That I don't know, ma'am.

8           Q       So how did he purposefully do that then?

9           A       Well, whether it's purposely or vicariously,  
10          since he's the HR boss, if it's in the personnel file  
11          that's located at City Hall, I could only put the fact  
12          that Mr. Palko would be in charge of -- still be  
13          overseeing all that and in charge of that.

14          Q       But that's not what you've pled. You said he  
15          purposefully had it placed in your file to impact your  
16          ability to find gainful employment.

17                   Do you have any facts to support that?

18          A       No, ma'am.

19          Q       Do you have any facts to support your  
20          allegation that Lugo purposefully placed or caused the  
21          written reprimand to remain in your personnel file to  
22          impact your ability to find gainful employment?

23          A       No, ma'am.

1           Q       And do you have any facts to support your  
2       allegation that Defendant Reinhart placed or caused the  
3       written reprimand to remain in your file in order to harm  
4       you in any way or to impact your ability to find gainful  
5       employment?

6           A       To answer your question, it's more of a  
7       responsive -- the responsibility for Major Reinhart to  
8       inform HR, "Listen, Lieutenant Miller grieved it. We've  
9       got to pull it." It would fall on him to replace it. And  
10      whether or not that was done, I do not know, ma'am. It's  
11      more of an action that he should've taken and met with Ms.  
12      Dingler to make sure it was removed.

13          Q       And whether he did that or not, you don't  
14      know, do you?

15          A       Correct. Yes, ma'am.

16          Q       So when you had this document filed in April  
17      of 2021 and alleged that Reinhart purposefully placed the  
18      written reprimand in your file or allowed it to remain  
19      there, you didn't have any facts to support that  
20      allegation, did you?

21                   MR. FINDLEY: Objection; misstates what it  
22      says. I haven't been able to see "placed" anywhere.

23                   Does it say, "placed"?

1 BY MS. BARDOT:

2 Q I'll just read it to you.

3 "Despite issuing Officer Miller a notice for  
4 corrective action, the Written Reprimand remained in  
5 Officer Miller's personnel file and upon information and  
6 belief, had been wrongfully submitted to background  
7 investigators who have requested Officer Miller's file.  
8 Such action," allowing it to remain, I suppose, "was done  
9 purposefully by Palko, Lugo, Reinhart in order to  
10 negatively impact Officer Miller's ability to find gainful  
11 employment with another law enforcement agency."

12 When this was filed in April of 2021, did you  
13 have any facts to support your allegation that either of  
14 those three defendants purposefully had the written  
15 reprimand remain in your file to cause you the harm that  
16 you've alleged?

17 A I guess not, ma'am.

18 Q I want to go to Page 15. Well, let me back  
19 up, I'm sorry, to these undisclosed pay raises.

20 It says here, "In 2018," Paragraph 75, "MMPD  
21 officers were notified that an annual pay increase was not  
22 approved by Defendant Manassas Park," do you see that?

23 A Yes, ma'am.

1 Q Was that at a council meeting?

2 A I want to say it was a council meeting since  
3 it was posted online. It could be a governing body  
4 meeting.

5 Q And was it, as of 2018, the case that there  
6 was been a lot of years without pay raises for the Police  
7 Department and other employees of Manassas Park?

8 A When I first joined, I want to say we went  
9 seven years without a raise. And then we got a couple  
10 here and there. And 2018, it was zero, but I want to say  
11 2017, it was .5, and then 2016, it was 1.5. I could be  
12 wrong, but it was -- it was enough to offset the cost of  
13 our health insurance going up.

14 Q And then you say, "However, Officer Miller  
15 learned that certain MPPD officers and personnel loyal to  
16 Defendant Lugo had in fact received discreet salary  
17 increases," do you see that?

18 A Yes, ma'am.

19 Q How did you learn that information?

20 A How did I learn about the pay raises?

21 Q Correct, in Paragraph 75. This is before your  
22 FOIA request.

23 How did you learn of this?

1           A       I think it was Kevin Hampton who told me that  
2       there was -- there was a raise for select individuals.

3           Q       And who were they?

4           A       It would have been, I think Koglin got it, I  
5       think Detective Dustin Walker got it, I think Lieutenant  
6       Joseph Johnson got it, and I think two others.

7           Q       Who are they?

8           A       Either Brian Sproule, K-9 Officer Brian  
9       Sproule, and I think that's when Major Reinhart got a  
10      small bump to equal out his pay with Chief Lugo, but there  
11      were, I want to say, five individuals that ended up  
12      getting it.

13          Q       And were these all persons that you would  
14      classify as "loyal" to Defendant Lugo?

15          A       Well, they're under his umbrella for  
16      responsibility.

17          Q       Did that make them loyal to him, as you've  
18      described them?

19          A       Yes.

20          Q       Was everybody under his umbrella loyal to him  
21      as far as you know?

22          A       I mean, he kept them, so I would assume that  
23      they were. I mean --

1           Q       And do you know whether there were personnel  
2       in other departments at this time who also received pay  
3       raises?

4           A       No one else in Manassas Park got a -- from  
5       Manassas Park Police got a raise.

6           Q       I'm not asking about Manassas Park Police,  
7       anybody else at Manassas Park who was an employee at this  
8       time who received a pay raise, do you know?

9           A       Oh, I do not -- I do not know. I did not FOIA  
10      that specific -- any other departments but Police  
11      Department.

12          Q       And do you know who it was that made the  
13      decision to give these salary increases at this time  
14      referenced in Paragraph 75 of your complaint?

15          A       Who approved them?

16          Q       Who made the decision in the first instance to  
17      give the raises, do you know?

18          A       I don't have specific information. No, ma'am.

19          Q       And you don't have any information to suggest  
20      that it was Lugo who identified who deserved raises, do  
21      you?

22          A       Who deserved it? No, ma'am.

23          Q       Or who would get the raises, you don't have

1 any information to suggest that it was Lugo that made that  
2 decision, do you?

3 A For the specific officers that got it?

4 Q Yes.

5 A Well, that'd have to come from somebody in  
6 command staff. They're not just going to pick five names  
7 out of a hat. They're going to specifically go to them  
8 for a particular reason.

9 Q Well, you don't know that, do you? I mean, do  
10 you know if Palko made the decision who should get pay  
11 increases?

12 A For the officers that got it? I --

13 Q Yes.

14 A -- I don't know, ma'am.

15 Q You say in Paragraph 76 that your coworkers  
16 expressed anger and resentment but were afraid to speak up  
17 out of fear of reprisal.

18 Who are you referring to?

19 A Several of them, I guess.

20 Q Who?

21 A If a -- anyone on my squad.

22 Q I need a name; who?

23 A It would be, I guess any newer ones, Officer

1 Kellogg, I think it would be at the time, Andrew Shumate,  
2 maybe Andy Bussell.

3 Q I don't want maybes, I just want to know who  
4 you recollect indicated to you that they were angry and  
5 had resentment and were afraid to speak up out of fear of  
6 reprisal.

7 Did Kellogg say those things to you?

8 A Not specifically.

9 Q Okay. I don't understand that answer.

10 Did she say it to you some other way that  
11 wasn't specifically?

12 A Well, it was more of because they knew how the  
13 command staff would react to certain things, they didn't  
14 want to be subject to being targeted.

15 Q Did she say that to you?

16 A She said that to me in a closed-door sessions  
17 after another meeting, not specifically for the pay  
18 raises.

19 Q So she didn't say that.

20 So did Shumate express --

21 MR. FINDLEY: Excuse me. I think that  
22 misstates testimony.

23 MS. BARDOT: Well, let me be clear.



1 BY MS. BARDOT:

2 Q Kellogg never said to you that she had anger  
3 and resentment and was afraid to speak up out of reprisal  
4 with respect to the pay raises; is that correct?

5 A I can't say yes or no, ma'am. I just can't  
6 recall specifically when or if it was another matter.

7 Q Did Shumate ever say to you that he had anger  
8 and resentment and was afraid to speak up out of reprisal  
9 about the pay raises?

10 A I can't recall if he was angry or had  
11 resentment. We were -- we were talking and I think I he  
12 had just told me that he had talked to Lugo about that.

13 Q So he actually went to Lugo about the pay  
14 raise issue.

15 A Because they're a rumor mill. I think he went  
16 to talk with Chief Lugo more of like an inquiry, like,  
17 "Hey, are these rumors true? And if so, why?" Because  
18 the scuttlebutt was if we're not going to get a raise and  
19 then we're hearing that a couple other people did, like  
20 why them but not us?

21 Q And so who then came to you that's referenced  
22 in Paragraph 76 and expressed anger and resentment and  
23 indicated they were afraid to speak up about the pay

1 raises out of fear of reprisal?

2 A I can't recall, ma'am.

3 Q Paragraph 78 says, "The FOIA request," which  
4 would be your FOIA request for pay information, "was  
5 submitted to Defendant Manassas Park, who reported the  
6 substance of the request to Defendant Lugo and other  
7 members of MPPD's command staff and also identified  
8 Officer Miller as the requesting party," did I read that  
9 right?

10 A That I requested it and then they responded  
11 with it. Yeah, they put --

12 Q I'm just asking if I read this right.

13 "The FOIA request was submitted to Defendant  
14 Manassas Park, who reported the substance of the request  
15 to Defendant Lugo and other members of MPPD's command  
16 staff and also identified Officer Miller as the requesting  
17 party," did I read that right?

18 A You read -- that's how it's typed. Yes,  
19 ma'am.

20 Q What facts do you have -- let's take a break  
21 for a minute. I just have a tickle in my throat.

22 (Recess.)

23 (Back on the record.)

1 MS. BARDOT: All right. Back on the record.

2 BY MS. BARDOT:

3 Q Looking at Paragraph 78, what facts do you  
4 have to support your contention that Lugo was told the  
5 substance of the FOIA request?

6 A I don't. I thought there was an email,  
7 though, but I could be wrong. I thought there was an  
8 email from Ms. Borang (ph) to me and someone was CC'ed on  
9 it, but I don't have it in front of me.

10 Q What facts do you have to support the  
11 contention that other members of MPPD's command staff were  
12 told about the substance of the FOIA request related to  
13 the pay raises?

14 A I don't have any specific, ma'am.  
15 Want one of these (indicating)? It's a Halls.

16 Q Oh, thanks. I might take you up on that.

17 Do you have any information as to what the  
18 rationale was as to why certain people would get pay  
19 raises and others would not?

20 A I think I was told it was like a retention  
21 bump.

22 Q Were you told that it was to bridge some pay  
23 gaps?

1           A       It could've been both. I think could've been  
2       a retention bump because we had been losing people, but  
3       there was -- there was a pay gap. And I think a pay study  
4       had been completed where several officers were -- well,  
5       everyone, to include majors and captains, were well below  
6       the standard of Northern Virginia agencies. So that  
7       could've been part of it with -- to get a select few up.

8           Q       And on Page 15, Paragraph 80, it says, "At the  
9       time, the ISD and K-9 divisions were under the control of  
10      Defendant Lugo, and upon information and belief, Defendant  
11      Lugo was responsible for making the request for  
12      distribution of the undisclosed pay raises," do you see  
13      that?

14          A       Yes, ma'am.

15          Q       You don't have any facts to support that claim  
16      that Lugo was the one responsible for making the request  
17      for the distribution of the undisclosed pay raises, do  
18      you?

19          A       That second part, correct.

20          Q       Eighty-one says, "Defendant Lugo's request was  
21      submitted to Defendant Palko for approval."

22                    Again, you don't have any facts to support  
23      that that's the way that worked, do you?

1 A Correct.

2 Q It says, "Without justification, Defendant  
3 Palko approved the undisclosed pay request and the payroll  
4 change forms were processed," do you see that?

5 A I do, ma'am.

6 Q What is the factual basis for your contention  
7 that what Palko did was without justification?

8 A I don't have any specific proof about the  
9 justification, it was more the overall -- the overall  
10 individuals who received it under Chief Lugo's command,  
11 the statements made to me about people trying to be, you  
12 know, told to be quiet about it, and then just finding out  
13 about the FOIA.

14 Q Who was told to be quiet about the pay raises?

15 A When Detective Walker walked up to Chief  
16 Evans, apparently Chief Evans said, "You're to keep your  
17 mouth shut about that." And that was informed -- that was  
18 told to me by Kevin Hampton.

19 Q Walked up to Evans?

20 A Yes. I'm sorry. Detective Walker --

21 Q Right.

22 A -- under Lugo's umbrella, went to Chief Evans,  
23 inquired about this pay raise that I guess he got.

1 Walker's the other one, I'm sorry, unless I didn't say it.  
2 And Kevin Hampton told me that he heard and witnessed  
3 Chief Evans tell him to keep his mouth shut about it, but  
4 obviously it got out.

5 Q Was there some reason that you believe these  
6 pay raises had to be disclosed at the time they were  
7 given, in as much as you continue to refer to them as  
8 "undisclosed pay raises"?

9 A To be disclosed?

10 Q Yeah.

11 A Well, everyone's working hard. I got zero-  
12 dollar pay raise.

13 Q Right. But you had not right, if Walker was  
14 going to get a pay raise for whatever reason, to be  
15 advised of that, did you, at the time it occurred?

16 A Not advised, so that's why I did a FOIA,  
17 ma'am.

18 Q You go on to say in Paragraph 82, "Officer  
19 Miller's discovery of the undisclosed pay raises reflected  
20 negatively upon Lugo, Palko, and Reinhart," do you see  
21 that?

22 A Yes, ma'am.

23 Q How? How did your discovery of these raises

1 reflect negatively on those three individuals?

2 A Well, because now they knew that I had  
3 information that I thought was very suspicious and  
4 unwarranted and unethical.

5 Q Why would it be unethical or unwarranted to  
6 give someone a pay raise?

7 A The other 28 officers in Manassas Park didn't  
8 get a pay raise, ma'am, and these individuals got 2 to  
9 \$3,000 that will be collectively over years and years and  
10 years a very good sum of money that I will not ever  
11 receive, nor will the other 27 of us ever receive.

12 Q So in your opinion, unless everybody got the  
13 same pay raise, it's unethical, unwarranted?

14 A I'm not saying same pay raise. We got zero  
15 pay raise.

16 Q And you don't think whoever made that decision  
17 had the discretion as to what pay raise different people  
18 should get?

19 A They had the discretion. That's why they did  
20 that.

21 Q But you've called it "unwarranted and  
22 unethical."

23 A Yes.

1 Q Even though they had the discretion.

2 A Apparently, they had the discretion. Yes,  
3 ma'am.

4 Q But when you say here that the discovery of  
5 the undisclosed pay raises reflected negative on, let's  
6 start with Lugo, you don't know that Lugo knew that you  
7 knew of the undisclosed pay raises; correct?

8 A Through FOIA?

9 Q Yeah.

10 A Oh, they all knew. They talk.

11 Q Well, without you assuming what they knew, you  
12 haven't seen anything or spoken with anyone that would  
13 suggest to you that Lugo knew that you had gotten that  
14 information through FOIA; correct?

15 A Correct. Yes, ma'am.

16 Q And even if he did know that you had received  
17 that information through FOIA, how would that fact reflect  
18 negatively on him?

19 A I'm not sure negatively is -- it's more of a  
20 look at like his position -- his position and how he was  
21 able to get money for certain individuals only under his  
22 umbrella.

23 Q But, again, you don't know that he was the one



1 that instituted that; correct?

2 A Correct.

3 Q So with respect to Palko, again, you don't  
4 know that he knew that you had obtained information about  
5 undisclosed pay raises; correct?

6 A There was no email showing that, correct.  
7 Yes, ma'am.

8 Q Or anything else; correct?

9 A Just my years of experience there, ma'am,  
10 that's all I'm basing it on.

11 Q But years of experience don't make this a  
12 fact; correct?

13 A Not 100 percent fact. Correct, ma'am.

14 Q It doesn't make it a one percent fact because  
15 you had no knowledge of anything to suggest that Palko  
16 knew that you had received through FOIA any information  
17 regarding these pay raises; correct?

18 MR. FINDLEY: Objection; form, argumentative.

19 THE WITNESS: Without the email in front of  
20 me, I thought it went to -- I thought it went to Palko or  
21 it went to HR and maybe the City Attorney, Dean Crowhurst.

22 BY MS. BARDOT:

23 Q And then it says -- and if Palko knew that you

1 had received information about the undisclosed pay raises,  
2 how did that reflect negatively on Palko?

3 A If I'm correct, I think he had just been hired  
4 as the City Manager. And if his first month or decision  
5 as City Manager would be to give five officers a pay raise  
6 versus all 32, I mean, to me that -- it doesn't look good  
7 as a supervisor, but that's just me.

8 Q Why?

9 A Why what?

10 Q Why doesn't it look good? I mean, were these  
11 five officers that were underpaid, you know, as compared  
12 to the other officers? Do you have any information about  
13 why those officers got bumps and other people did not  
14 that's factual?

15 A Just from what Lugo said, it was retention  
16 bump.

17 Q And if it was a retention bump for those five  
18 officers, you don't have any facts to suggest that's not  
19 accurate, do you?

20 A Correct.

21 Q And then with respect to Reinhart, if he knew  
22 that you knew about undisclosed pay raises, how did that  
23 reflect negatively upon him?

1           A       If he was part of the pay raise for that  
2 particular FOIA, I don't it was the year before or the  
3 year after, ma'am. I just know that his pay raise was  
4 more than what the allotted pay raise was if his was the  
5 1.5 in the first year, I think.

6           Q       But if he knew you knew that, how did that  
7 reflect negatively on him?

8           A       I guess because when he -- when he got that, I  
9 assumed after his statement to me about him getting paid  
10 less than Lugo, if he went to Chief Evans and I guess made  
11 his complaint and said, "Hey, I'm not getting paid as much  
12 for my equivalent," which I would do the same thing, then  
13 I guess the negative part is just the fact that I have  
14 knowledge of it and it doesn't look good that he got a  
15 raise, but no one else did.

16          Q       Well, it's not true that no one else did;  
17 correct?

18          A       Right. It was -- I think it was five, ma'am.

19          Q       And you don't know whether other people within  
20 Manassas Park also got raises as part of this same event;  
21 correct?

22          A       You mean of other departments like --

23          Q       Yes.

1           A       -- you mentioned? Correct. Yes, ma'am.

2           Q       You go on in Paragraph 82 to say that,  
3       "Officer Miller's exposure of the undisclosed pay raises  
4       angered the Defendants and" --

5           A       I'm sorry, where are we at?

6           Q       Eighty-two.

7                   "Officer Miller's exposure of the undisclosed  
8       pay raises angered the Defendants and further incited and  
9       emboldened the Defendants to take more drastic action to  
10      remove Officer Miller," do you see that?

11          A       Yes, ma'am.

12          Q       Did Lugo, Palko, Reinhart express any anger to  
13      you with respect to your exposure of the undisclosed pay  
14      raises?

15          A       They themselves did not make any specific  
16      comments to me. Correct, ma'am.

17          Q       Did anybody else relay to you any facts to  
18      suggest that Lugo, Palko, or Reinhart knew that you had  
19      this information about the pay raises and were angry about  
20      it?

21          A       Their names were not mentioned by Dean  
22      Crowhurst when I had a conversation with him, ma'am, so,  
23      no.

1           Q       Is there a conversation you had with Crowhurst  
2 with respect to these pay raises?

3           A       It was a conversation he had with me. He  
4 pulled me in at some point and he goes, "Are you going to  
5 talk to the governing body tonight? A little birdie said  
6 that you were going to talk to them about pay raises and  
7 disciplinary actions and what have you," and it kind of  
8 caught my surprise because I was like, "I don't know what  
9 you're talking about. No. Who's telling you this?" I  
10 just asked him, I said, "Who's telling you this, Mr.  
11 Crowhurst?" in his office. And he says, "Well, I can't  
12 tell you right now, but just be careful."

13                   And I was -- I was completely surprised and  
14 had no clue who he was talking about because I had no  
15 plans on even having any sort of discussion with the  
16 governing body. That was a -- that was a night to -- that  
17 I think all of us in the room were there to celebrate  
18 Chief Evans's actual retirement from City Hall.

19           Q       And assuming that conversation with Dean  
20 Crowhurst occurred, he did not tell you that these little  
21 birdies were Palko, Lugo, or Reinhart, did he?

22           A       No. He wouldn't tell me. I asked.

23           Q       You go on to say at Paragraph 84, "The

1       undisclosed pay raises violated the City of Manassas Park  
2       Employment Policies and Practices, including Section  
3       1513," do you see that?

4               A       Yes, ma'am.

5               Q       What does 1513 say?

6               A       I don't have that in front of me, ma'am.

7               Q       I can't find it.

8                       So what sort of violation do you claim  
9       occurred from these undisclosed pay raises?

10              A       Well, without knowing what 1513 is, it could  
11       be a typo of mine, I don't know, but if in fact it's these  
12       raises that were specific to just a select personnel, if I  
13       recall, that to me would be unethical and it would not  
14       reflect positively with the rest of the employees in the  
15       entire City of Manassas Park if that were to get out.

16                      And if I have that 1513 wrong, it was more or  
17       less to use, I think, with what was used against me by  
18       Chief Lugo in the final findings. I was -- I was trying  
19       to -- if that's correct. It just could be a typo of mine.

20              Q       Well, this says, "The undisclosed pay raises  
21       violated the City of Manassas Park Employment Policies and  
22       Practices, including Section 1513." So let's put that  
23       section aside.

1 A Okay.

2 Q What policy and practice did these pay raises  
3 violate?

4 A Well, if they are in fact undisclosed or kept  
5 from the rest of the people that work there, and even  
6 after an announcement by the governing body that no raises  
7 for anybody would happen, if there's behind the door  
8 closed meetings, I don't know what they're allowances are,  
9 but if it's not a policy or practice to give five  
10 individuals of the Police Department and unknown people at  
11 other divisions, that's where -- that's where my violation  
12 would come into play, ma'am.

13 Q But you don't know if there were behind the  
14 door closed meetings, as you've just referred to; correct?

15 A If it's a governing body reference pay,  
16 there's nothing on there, so those would be closed-door  
17 meetings.

18 Q Do you know if there was any closed-door  
19 meeting?

20 A I don't know, ma'am.

21 Q It goes on to say, "Defendant," Paragraph 85,  
22 "Manassas Park had knowledge of the undisclosed pay raises  
23 but upon information and belief, failed to conduct a

1 meaningful investigation and/or failed to discipline the  
2 offender(s), including Lugo and Palko," do you see that?

3 A Yes, ma'am.

4 Q What did Lugo do with respect to these pay  
5 raises that caused you to call him an "offender" who  
6 should be investigated or disciplined?

7 A If only the five individuals that got raises  
8 were under his umbrella, to me he -- he was the one who  
9 requested it through Chief Evans, and through Chief Evans  
10 would have to be approved by Defendant Palko. And --

11 Q But you've already testified you don't know if  
12 he requested these raises; correct?

13 A That if Lugo requested it?

14 Q Yes. You don't have any knowledge that that  
15 that actually occurred.

16 A Correct. Yes, ma'am.

17 Q And so it could be that Evans requested the  
18 raises; correct? He could be somebody who could do that.

19 A Yes, ma'am.

20 Q And it could be that Palko, as the City  
21 Manager, made a determination on his own to give the  
22 raises; correct?

23 A Yes, ma'am, that's correct.



1           Q       So you don't know of any facts that would  
2 suggest that Lugo should have been investigated or  
3 disciplined as it pertains to these raises, do you?

4           A       I do not know.

5           Q       And you don't have any facts to suggest that  
6 Palko did something that should have been investigated or  
7 disciplined with respect to these raises, do you?

8           A       I don't know of any of that.

9           Q       And back when these raises were given in 2019,  
10 you obviously must have been concerned about them since  
11 you did a FOIA; right?

12          A       I had done a FOIA a couple times before. It  
13 was more to -- it was more to verify some of the rumors  
14 that had been going through Patrol.

15          Q       And so after you received this information  
16 through your FOIA, did you make a complaint?

17          A       Did I make a complaint with anybody like from  
18 command staff?

19          Q       To anybody say, "Hey, look, I think there's  
20 been some wrongdoing here. I think this person should be  
21 investigated"? Did you make any complaint at all to  
22 anybody?

23          A       It was no official complaint. No, ma'am.

1 Q Was there an unofficial complaint?

2 A It was more of complaining at the patrol-  
3 level, complaining that to Kevin Hampton like it's kind of  
4 like -- it's kind of messed up that certain people would  
5 get pay raises but the rest of us don't. And knowing that  
6 morale was gone, this was just kind of like another -- it  
7 didn't sit well with a lot of us.

8 So it was no official complaint like, "I think  
9 this needs to be looked into," it was more people venting  
10 like, "Look at this." And then shortly thereafter, I  
11 think another officer did another FOIA.

12 Q Who was that?

13 A That would be Officer Andy Bussell. He did, I  
14 think, an extended one.

15 Q Going on in your complaint on Paragraph 15,  
16 there is a --

17 A Page 15?

18 MR. FINDLEY: Wait.

19 BY MS. BARDOT:

20 Q Yeah. I'm sorry, Page 15.

21 MR. FINDLEY: And what Paragraph?

22 MS. BARDOT: I'm getting there. Haven't said  
23 it yet.

1 rumor mill.

2 Q And was Lugo's first act as Chief of Police to  
3 get rid of six people?

4 A I don't know, ma'am.

5 Q You go on to say in Paragraph 88, "On April  
6 22, 2019, MPPD officers were required to attend a  
7 mandatory meeting."

8 Who called this meeting?

9 A I think it was the City Manager.

10 Q Was this a meeting just of police or was it a  
11 meeting of other departments as well?

12 A I think it was all departments.

13 Q Is there a special name for these meetings?

14 A Yes, there is. I can't -- I can't think of  
15 it, though. It was a City Wide Staff Meeting or City Wide  
16 -- it was something where we had to pick dates to go  
17 because of the amount of personnel.

18 Q Right. And it's split were some people from  
19 different departments would come on staggered dates; is  
20 that right?

21 A Yes, correct, staggered dates and it was over  
22 a week or something like that. It was to make sure that  
23 we weren't crowded in there, it was to make sure that

1 everyone had an opportunity to be present.

2 Q So this was called by Palko.

3 A I think so. I -- either -- well, Palko spoke  
4 before he went to Richmond to talk about the city's  
5 finances. But I know HR was there.

6 Q And when you say, "HR," who are you --

7 A I'm sorry. Ms. Valerie Dingler and then City  
8 Attorney, Dean Crowhurst was there. They talked, I think,  
9 about the -- it could've been the yearly requirements for  
10 certain training.

11 Q And it says here in Paragraph 88 that, "During  
12 the meeting, MPPD officers were required fill out an  
13 'anonymous' survey. The survey asked, among other things,  
14 if the officer would recommend family/friends to work at  
15 MPPD," do you see that?

16 A I do.

17 Q And was this a survey that was one that Palko  
18 had created, do you know?

19 A I don't know who created it, ma'am.

20 Q But this wasn't a survey that was particular  
21 to the police, was it, it was one that was given out to  
22 whomever was at this City Wide Staff Meeting; correct?

23 A I'm not sure if was department specific or if

1 it was a generalized question. I don't know, ma'am.

2 Q You had done this in 2018 as well, correct,  
3 filled out one of these surveys?

4 A I may have. I don't know.

5 Q Do you have a copy of the survey that you  
6 filled out in 2019 that you're referring to here?

7 A I do not, ma'am.

8 Q Any reasons why you didn't maintain a copy of  
9 it?

10 A I was the last one in the -- in the building  
11 at the time, and when Ms. Valerie Dingler was sort of  
12 getting her papers together, I didn't want to ask to get a  
13 photocopy of it and I didn't want to take a picture of it.  
14 I just handed it to her, ma'am.

15 Q Why didn't you want to take a picture of it?  
16 I mean, by this time you're documenting stuff left and  
17 right, so why didn't you want to take a picture of it?

18 A I just didn't. I didn't know if what would  
19 cause her concern as to why I was doing it. I just  
20 didn't, ma'am.

21 Q Did you ask her if you could?

22 A I did not, ma'am, no.

23 Q So it says in Paragraph 89, "In response to

1 the mandatory survey," so let me ask you about that first.

2 Was the survey mandatory?

3 A I thought I was because you're not putting  
4 your name on it, but I could be wrong. I don't know.

5 Q It says, "In response to the mandatory survey,  
6 Officer Miller truthfully wrote that he would not  
7 recommend family/friends to work for MPPD because of a  
8 lack of leadership and leadership's failure to take  
9 corrective action for serious and sustained violations of  
10 policy. Moreover, Officer Miller identified that MPPD was  
11 plagued by incidents of hypocritical decision making,  
12 nepotism, and favoritism," do you see that?

13 A Yes, ma'am.

14 Q Is that in fact what you wrote?

15 A I'm not sure exactly the quote I wrote, ma'am.  
16 I don't know.

17 Q Is what you have pled here in Paragraph 89,  
18 word for word?

19 A I can't say it's word for word without seeing  
20 a document. I didn't retain a copy of it, ma'am.

21 Q Did you document what you wrote in any way,  
22 such as sending yourself a text, writing it down on a  
23 piece of paper?

1           A       No. It was just more from memory and that I  
2       decided at the time, I just -- I didn't feel -- I didn't  
3       feel as if I'd want to have family or friends there, but,  
4       again, without seeing it in front of me, I can't tell if  
5       that's a quote or it's just a generalized statement of  
6       what was written.

7           Q       Did you put your name on the survey that you  
8       completed in 2019?

9           A       I don't -- if I put something like that, I  
10      don't think I would put my name it. No, ma'am.

11          Q       You claim that after you completed the survey,  
12      you delivered a response to a city HR representative who  
13      quote, "marked your survey," end quote.

14                   Who did you give the survey to?

15          A       That was to Ms. Valerie Dingler, the HR  
16      Director at the time.

17          Q       And what marking did she put upon it when you  
18      she marked it?

19          A       I don't know what mark there was.

20          Q       Well, you said she marked it.

21                   So did you see her write on it or what do you  
22      mean by she "marked" it?

23          A       I can't recall.

1 Q Did she put your name on it?

2 A I didn't see her put my name on it. No,  
3 ma'am.

4 Q You go on to say in Paragraph 90, "Upon  
5 information and belief, the HR representative tracked  
6 Officer Miller's responses and delivered them to Defendant  
7 Lugo and Defendant Palko," do you see that?

8 A Yes, ma'am.

9 Q What did Ms. Dingler do to track your  
10 response?

11 A I don't have anything specifically on the  
12 tracking.

13 Q And what specifically do you have factually to  
14 support your contention that she delivered your response  
15 to Lugo or Palko?

16 A Delivering of the actual response, I couldn't  
17 tell you, ma'am.

18 Q So why did you say that in your complaint?

19 A Because any time someone's going to put  
20 something negative on a survey that speaks negatively of  
21 the entire, not just Police Department, but the City in  
22 general, if an HR Director does not respond to the head of  
23 those departments, it would be I guess questionable on her



1 end.

2 I would absolutely go forward to the City  
3 Manager and Chief Lugo and say, "We go this -- we got this  
4 survey," or surveys if there was more, "and we need to see  
5 if try to fix any potential issues that are being alleged  
6 here."

7 Q So you're talking about what you think could  
8 happen under some circumstances, but you don't have any  
9 facts to suggest that Ms. Dingler took your survey and  
10 gave it to either Defendant Lugo or Palko, or even  
11 discussed the content of it with them, do you?

12 A Correct.

13 Q So by the time you completed the survey in  
14 April of 2019, is it fair to say you were feeling pretty  
15 disgruntled?

16 A I don't know about disgruntled. I was -- I  
17 was not happy with a couple things and I was just trying  
18 to just kind of smoothly sail along.

19 Q And by the time you completed the survey in  
20 April of 2019, is it fair to say you were unhappy with  
21 your job?

22 A I loved my job, ma'am.

23 Q Were you unhappy with the people you worked

1 with?

2 A A select few.

3 Q Being who?

4 A I don't want to say about unhappy. I was not  
5 happy with knowing that I was not going to be most likely  
6 promoted, I was not part of the up and coming command  
7 staff. I was really trying to only future my leadership  
8 classes and knowing that I was just constantly being not  
9 allowed to do so, I guess. I was not going to be part of  
10 the National Academy at the time.

11 I had, you know, they would already rumor mill  
12 that I think both Melissa Boorman and Frank Winston I  
13 believe were lieutenants at the time were going to be  
14 shortly promoted to captain.

15 And I was really -- I knew just based what  
16 people were saying and just my time there and just knowing  
17 how things would work, I was not necessarily disgruntled.  
18 I was more cautious, concerned, but yet I still loved the  
19 hell out of my job.

20 Q So by this time when you did the survey in  
21 April of 2019, did you feel like you were being harassed  
22 or mistreated or discriminated against by Lugo?

23 A Minus the other documentations, not

1 necessarily harassed but I had just been documenting the  
2 things here and there.

3 Q Because you thought he was mistreating you;  
4 correct? You've told me you thought he was jabbing at  
5 you?

6 A Yeah, I did. And I was more -- I was more  
7 concerned with when he became Chief what's going to  
8 happen, even though I had -- I was in full support of  
9 Chief Lugo becoming Chief knowing I had known him for 20  
10 years and we were friends.

11 Q By the time you did this survey in April of  
12 2019, did you feel like Reinhart, Winston, Palko, or Dorr,  
13 any of those four individuals mistreated you, harassed  
14 you, discriminated against you? Any of those individuals?

15 A Not Carl Dorr. We didn't have a lot of -- we  
16 didn't have a lot of working relationship. He was always  
17 on the separate squad. We had a -- just like a respectful  
18 comradery when we would do shift change.

19 Captain Frank Winston and I, our relationship  
20 was, yes, we banter, we had some good times. There were  
21 times when I knew he can say and do things, and it was  
22 just that the feeling that he was completely protected and  
23 with just my knowledge, the overall knowledge in the

1 Police Department that he was -- he was being -- he was  
2 being groomed for captain. So there was not a -- there  
3 was nothing specific where he had, say, verbally attacked  
4 me or, what was your word --

5 Q Harassed --

6 A -- harassed.

7 Q -- mistreated --

8 A I'm sorry.

9 Q -- discriminated.

10 A It was more of just the overall protection  
11 that he received from Chief Lugo.

12 And then when it came to Major Reinhart and I,  
13 again, our relationship was rocky in the beginning, but we  
14 had a very weird dynamic where we would be able to rely on  
15 each other for certain things knowing how -- knowing our  
16 strengths and weaknesses.

17 And we would confide with each other, but when  
18 -- but when Major Reinhart would get angry or would be in  
19 a bad mood, everybody, to include myself, would distance  
20 themselves from him. It was more he would -- he would do  
21 a lot of, we called it "barking," not necessarily barking  
22 like a dog, but barking as in just a generalized yelling,  
23 kind of puffing his chest out, but it was like we were

1 just -- we kind of just -- it was like an acceptance, if  
2 that makes sense, but that's something that Trevor  
3 Reinhart and I, we had a -- almost like a -- to say  
4 "weird" is an understatement. We had a great work  
5 relationship because we knew each other well enough to  
6 know what we can rely on each other for.

7 But when it came to discipline, everybody knew  
8 that it was Trevor Reinhart that would be the individual  
9 to conduct any sort of investigation when it came to, I  
10 guess, patrol.

11 Q Did you have an issue with that?

12 A I did not because I still respected the  
13 decision making with him being the Internal Affairs I  
14 guess responsive party whether it was under Chief Evans or  
15 even Chief Lugo. If that's what they delegated, they  
16 delegated it.

17 I think it was more with his findings were  
18 always sustained and then several of us, to include  
19 myself, just felt it was -- it was excessive, but when I  
20 go back to the weird relationship that Trevor and I had,  
21 I'd be able to talk to him like Regan and Trevor, not  
22 lieutenant to captain, lieutenant to major. It was a --  
23 just a different sort of relationship we had probably

1 because of our time as detectives together.

2 Q So when you filled out this survey in April of  
3 2019, you say you truthfully wrote that you wouldn't  
4 recommend family and friends to work for MPPD because of a  
5 lack of leadership and leadership's failure to take  
6 corrective action for serious and sustained violations of  
7 policy.

8 Who's the leadership you're referring to  
9 there then?

10 A If I have to say it, it's going to be what I  
11 had mentioned earlier, that Trevor's excessive findings  
12 for complaints, but yet we would -- at least I  
13 individually would be able to talk to him.

14 The fact that -- not that I know of, but not  
15 that -- I don't know if Frank Winston was ever pulled in  
16 or disciplined for his, I guess his mouth, his actions.  
17 He could just talk to people and say and do whatever he  
18 wanted with comments, the same comments that I'd be pulled  
19 in for.

20 So it was more of the fact that there was an  
21 allowance for certain people to I guess say and do versus  
22 the allegations where they were unfounded where I'd be  
23 pulled in and questioned even prior to this. And, you

1 know, there's a couple dates where I had been pulled in  
2 and it was, "Why are you doing this, why are you doing  
3 that, not are you doing this?" And I would try to ask,  
4 "Well, who's saying this?" because it was not me.

5 Q I'm going to show you Document 98.

6 (The document referred to  
7 above was marked Miller  
8 Deposition Exhibit No. 98,  
9 for identification.)

10 (Ms. Bardot handed the witness, Mr. Findley,  
11 and the police officers a document.)

12 BY MS. BARDOT:

13 Q Do you recognize this as the 2019 survey that  
14 we have been discussing?

15 A Yes, ma'am.

16 Q And at the top, it says, "Name: Regan  
17 Miller"; correct?

18 A It does, yes.

19 Q It says, "Department: Police"; correct?

20 A Yes, ma'am.

21 Q And all of the handwriting on this document is  
22 yours; is that correct?

23 A Yes, ma'am, it is.

1 (Discussion off the record.)

2 Q Can you show me in this report where it  
3 contains the statement that you've alleged in your lawsuit  
4 that you would not recommend family/friends to work for  
5 MPPD because of a lack of leadership and leadership's  
6 failure to take corrective action for serious and  
7 sustained violation of policy?

8 (Pause.)

9 A Reference the exact working that's in the  
10 lawsuit, no, ma'am. It's more or less somewhat addressed  
11 in a more, I guess I'll just call it like a relaxed  
12 writing, more like an insinuation with "Selective  
13 discipline is also an issue that has been noticed by  
14 employees, but they are afraid to speak or have been told  
15 not to discuss." And I like said, "I love my job."

16 Q Right. But --

17 A With-- I'm sorry.

18 Q -- you said in your lawsuit, in response to  
19 the mandatory survey, you truthfully wrote you would not  
20 recommend family/friends to work for MPPD because of a  
21 lack of leadership and leadership's failure to take  
22 corrective action for serious and sustained violations of  
23 policy, do you see that?



1           A       Yes, ma'am.

2           Q       And that's not what you wrote here at all in  
3       response to the question, "10. Would you refer a friend to  
4       apply for a position with the City of Manassas Park?"  
5       Correct?

6           A       Yeah. I put, "No, I would not be willing to  
7       recommend a friend for a position with the City of  
8       Manassas Park." And then in my comments, I put, "Only due  
9       to financial issues within city structure, otherwise,  
10      yes."

11          Q       And you underlined "financial." "Only due to  
12      financial issues"; correct?

13          A       Correct.

14          Q       And otherwise, you said you would recommend;  
15      correct?

16          A       For City of Manassas Park, yes.

17          Q       Which is who you work for; correct? You're  
18      employed by the City of Manassas Park.

19          A       Yes, ma'am.

20          Q       And you didn't put in response to that  
21      question, "No. I'm not going to recommend it because of a  
22      lack of leadership and failure to take corrective action  
23      for serious and sustained violation of policy," or

1 anything to that effect; correct?

2 A That quote is not in there, ma'am.

3 Q And as you state in Paragraph 1, you indicate  
4 you love this job; correct?

5 A I did. I love police work.

6 Q Well, it didn't ask you if you love police  
7 work.

8 You said you love this job; correct?

9 A Correct, which was police work.

10 Q You didn't say that. I'm just asking you what  
11 this says.

12 It says, "I love this job"; right?

13 A Correct. Yes, ma'am, I did.

14 Q And in answering Question Number 9, it says,  
15 "As an employee, have you felt, harassed, discriminated  
16 against, or mistreated within the last year?"

17 Your response was, "No, I have not"; correct?

18 A That's correct.

19 Q And then at the end of this, it says, "Please  
20 utilize the section below to notate anything further that  
21 you would like for us to know about how your department is  
22 run, your interaction with other departments, and/or the  
23 City as a whole," do you see that?

1 A Yes, ma'am.

2 Q Read me what you wrote.

3 A It says, "I love my job, my department, and  
4 the guys/girls I work with. Some perceptions of  
5 unfairness/opportunities have been going on for several  
6 years - lack of certain rotations and opportunities for  
7 those few have been ongoing and yet I have brought this up  
8 and fell on deaf ears.

9 "Selective discipline is also an issue that  
10 has been noticed by all employees," and then "(new as  
11 well) but they are afraid to speak or have been told not  
12 to discuss."

13 Q So when you say, "Some perceptions of  
14 unfairness/opportunities have been going on for several  
15 years," what are you referring to?

16 A Anytime supervisors were rotated in patrol,  
17 ma'am, the patrol supervisors would only be utilized. And  
18 there was another supervisor, Melissa Boorman, who was  
19 never rotated back to patrol, and it had been inquired by  
20 numerous supervisors, to include myself, as to if the  
21 eight of us, the eight supervisors, sergeants, lieutenants  
22 were being rotated, why is no one else being afforded the  
23 position she's in to try to learn the training aspect, the

1 general orders, accreditation and whatever she was in  
2 charge of at the time.

3 Q So this is referring to Boorman not being  
4 circulated in that rotation?

5 A For the circulation, yes, ma'am.

6 Q And do you know who made the decision not to  
7 put her in that circulation of rotation?

8 A It'd have to come from command staff.

9 Q But do you know who?

10 A Not specifically.

11 Q And do you know why?

12 A Do I know --

13 Q Why she wasn't? Without speculating.

14 A Just from comments that I would have with  
15 other command staff members.

16 Q Which would be gossip, hearsay, rumor.

17 A It would probably opinion based on the  
18 comments made.

19 Q And what were the comments made as to why she  
20 wasn't circulated?

21 A Because she's a liability. We know why she's  
22 not in patrol.

23 Q Who said that?

1           A       Oh, probably many of us.

2           Q       Who?

3           A       I don't have that specific -- those specific  
4 names, but I can tell you it would be more off the  
5 discussing with my supervisor at the time. If and when  
6 this was posted, I would be like, "How come Boorman's not  
7 going to be there?" But the one particular time when I  
8 did mention it in front of Chief Evans, he said that she  
9 had to deal with accreditation.

10          Q       And then it says, "Selective discipline is  
11 also an issue that has been" --

12          A       Noticed.

13          Q       -- "noticed by all employees but they are  
14 afraid to speak up or have been told not to discuss."

15                   What are you referring to when you say,  
16 "Selective discipline is also an issue"? Give me the  
17 specifics which support that.

18          A       That specific -- I can't recall specifically  
19 without having I guess any notes, but if I wrote it at the  
20 time, it was -- I think it was right after a staff  
21 meeting, I think.

22          Q       And when you refer to "They are afraid to  
23 speak up," who are you referring to in particular?

1           A       Patrol officers, ma'am.

2           Q       Who?

3           A       I'd say at the time, it was newer employees,  
4       such as, I think there were some supervisors, but mainly  
5       new would be Emilie Kellogg, I think it was Amber Stevens.  
6       I think she had been hired.

7                       Without those name -- without the hierarchy of  
8       the Department and like the squad rundowns, I couldn't  
9       tell you specifically on certain names.

10          Q       Can you tell me where on that document, Number  
11       98, there was a marking by HR, as you have referred to in  
12       your complaint?

13          A       No. I don't see -- I don't see a marking on  
14       here except for the staples. I mean, it's just a  
15       photocopy. I couldn't tell you, ma'am.

16          Q       So did they mark it or not?

17          A       I don't see a marking. No, ma'am.

18          Q       I'm going to show you 99 and then I think we  
19       might call it a day.

20                               (The document referred to  
21                               above was marked Miller  
22                               Deposition Exhibit No. 99,  
23                               for identification.)

1 (Ms. Bardot handed the witness, Mr. Findley,  
2 and the police officers a document.)

3 BY MS. BARDOT:

4 Q I will represent to you that this has been  
5 represented to me to be your 1998 [sic] survey.

6 Is the handwriting on this survey all yours?

7 (Pause.)

8 A That is my handwriting. Yes, ma'am.

9 Q And on Page 10 of this survey, you're asked,  
10 "Would you refer a friend to apply for a position with the  
11 City of Manassas Park?" And your response was, "Yes, the  
12 City of Manassas Park is a great place to work!"

13 And then, "Comments: I have," do you see  
14 that?

15 A Yes. I -- you mean when I circled "a." with  
16 their statement, it's a great place to work?

17 Q Correct.

18 A Yes. I put, "I have."

19 MR. FINDLEY: Heather, earlier you said, "Page  
20 10." I think you were just referring to Number 10.

21 MS. BARDOT: If I said, "Page 10," I meant,  
22 "Question 10."

23 MR. FINDLEY: I just want a clean record.

1 MS. BARDOT: All right.

2 MR. FINDLEY: I'm going to ask him questions.

3 MS. BARDOT: Okay. I'm going to stop my  
4 questions, just for the record, there today. And we've  
5 talked about reconvening on December the 6th. And I will  
6 let you do that. I think it's unconventional for you to  
7 do that now. I think I would normally finish -- let me  
8 finish -- I think I would normally finish asking questions  
9 and then you would have an opportunity to do that, but I  
10 understand that Drew will probably be coming on the 6th  
11 and won't have the knowledge of what happened today, so  
12 given that, I don't have any opposition to that.

13 MR. FINDLEY: No, I agree with you. I will  
14 suspend until then.

15 MS. BARDOT: Okay.

16 THE COURT REPORTER: Ms. Bardot, would you  
17 like to order --

18 MS. BARDOT: I need will need to order,  
19 please.

20 THE COURT REPORTER: Would you like a copy,  
21 Mr. Findley?

22 MR. FINDLEY: Yes.

23 THE COURT REPORTER: Is there a read or waive



1 situation?

2 MR. FINDLEY: Read.

3 THE COURT REPORTER: Okay. Thank you.

4 Is regular delivery okay?

5 MS. BARDOT: That's fine with me. Thank you.

6 THE COURT REPORTER: Thank you.

7 \* \* \* \* \*

8 (Whereupon, at approximately 5:00 o'clock  
9 p.m., the taking of the deposition was concluded.)  
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